

**2011 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB269)**

Received: 01/10/2012

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Andrew Hanus**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.wisconsin.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Appointment and residency of election officials

**Instructions:**

Per attached E mails.

**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 01/10/2012	wjackson 01/11/2012		_____			
/1			rschluet 01/11/2012	_____	ggodwin 01/11/2012	ggodwin 01/11/2012	

FE Sent For:

<END>

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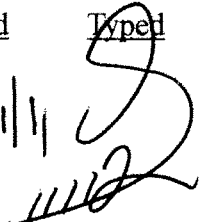
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1? /	jkuesel 1/10/12	1 WJ 1/11		_____	_____		

FE Sent For:

<END>

**Kuesel, Jeffery**

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**From:** Hanus, Andrew  
**Sent:** Monday, January 09, 2012 10:28 AM  
**To:** Kuesel, Jeffery  
**Subject:** Amendment to SB 269 - Poll Worker Residency

Hi Jeff,

Sen. Lazich would like the following changes as an amendment to SB 269 (LRB-3339/1):

-Specify that the chief inspector should be a resident of the municipality, unless no qualified candidate is available.

-Allow a political party officer to make a recommendation for the ward for which an individual is nominated to serve.

-The proportion of party-affiliated election workers should be distributed evenly throughout each county, unless GAB or the attorney general permits uneven distribution for good cause shown.

This can be a sub or a simple, whichever you think will work best.

Thank you very much. Please call if you have any questions or concerns.

Best,

Andrew Hanus  
Sen. Lazich's Office  
(608) 266-5400

## Kuesel, Jeffery

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**From:** Hanus, Andrew  
**Sent:** Tuesday, January 10, 2012 1:06 PM  
**To:** Kuesel, Jeffery  
**Subject:** RE: Amendment to SB 269 - update

Hi Jeff –

I know you are extremely busy, but my boss has asked that we have this amendment for exec on Thursday. So if at all possible to get this amendment by early Thursday we would greatly appreciate it.

As far as your 3 questions from November 1 (below):

1. Yes, please draft to provide that the municipal clerk, who appoints the chief inspector, shall ensure that the appointee is a qualified elector of the municipality unless a person is appointed to fill a temporary vacancy in that office.
2. Yes, please change the sub to permit a political party only to recommend, rather than to specify, where the party nominees shall serve.
3. Yes, please provide that the recommendations shall apportion the available nominees geographically so as to balance the representation of the party geographically across the county

If you have any questions or concerns, please let me know. Otherwise, we can talk tomorrow.

Thanks for everything,

Andrew Hanus  
Sen. Lazich's Office  
(608) 266-5400

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**From:** Hanus, Andrew  
**Sent:** Wednesday, November 02, 2011 8:22 AM  
**To:** Kuesel, Jeffery  
**Subject:** RE: Amendment to SB 269 - update

Jeff,

Sorry for the delay in getting back to you. We are not exec'ing on this today (as we originally thought we might), so we can hold off on these four bills for the moment.

Thanks for your help,

Andrew

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**From:** Kuesel, Jeffery  
**Sent:** Tuesday, November 01, 2011 7:36 PM  
**To:** Hanus, Andrew  
**Subject:** FW: Amendment to SB 269 - update

Andrew:

I have the first two items drafted but am holding on anything further until we are sure of what we want to do and perhaps whether this bill will be taken up. The draft has not yet been sent to editing.

Jeff Kuesel

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**From:** Kuesel, Jeffery  
**Sent:** Tuesday, November 01, 2011 4:02 PM  
**To:** Hanus, Andrew  
**Subject:** RE: Amendment to SB 269

Andrew,

1. I believe we can provide that the municipal clerk, who appoints the chief inspector, shall ensure that the appointee is a qualified elector of the municipality unless a person is appointed to fill a temporary vacancy in that office.

2. We can change the sub to permit a political party only to recommend, rather than to specify, where the party nominees shall serve.

3. There is a potential that the recommendations of a party could result in geographically disparate representation of the party within a county. However, it is not as much of a problem with recommendations (as opposed to specifications) because the municipality is not required to follow the recommendations. If you would like, we can provide that the recommendations shall apportion the available nominees geographically so as to balance the representation of the party geographically across the county. From the party's standpoint, if the party does not have a sufficient number of nominees, it may wish to use its available nominees to target a particular area. If so, this requirement would prevent the party from doing that. The party might then address that concern by appointing observers in some wards but not in others.

Let me know what you think, particularly on #3.

Jeff Kuesel

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**From:** Hanus, Andrew  
**Sent:** Tuesday, November 01, 2011 2:06 PM  
**To:** Kuesel, Jeffery  
**Subject:** Amendment to SB 269

Hi Jeff,

After meeting with Rep. Pridemore we are asking that the following changes be made to SB 269 (poll worker residency):

1. Clarify that the chief inspector *should* come from the municipality in which they serve
  - a. However, this should not be an absolute requirement. For example, if the CI gets sick and a fill-in is needed, we want to be able to accommodate that.
2. Playing off Rep. Pridemore's substitute amendment – allow each political party to submit recommendations as to the location where each of their poll workers should serve. However, do not require that the poll workers serve at these locations.
3. Finally, the Representative and Senator have concerns that this bill could result in poll workers from one party being placed all in one or just a few municipalities, leaving the remaining municipalities without representation from that party. Do you see this as a valid concern? If so, the Senator has asked that the amendment also contain language saying that representation should be generally proportional across the county.

Thanks,

Andrew



State of Wisconsin  
2011 - 2012 LEGISLATURE

SO 284/1  
LRBs0158/1  
JTK:wlj:md  
↑  
Stays

Wed 1/11 - 2PM

SENATE 3PM  
ASSEMBLY SUBSTITUTED AMENDMENT 1,  
TO 2011 SENATE ASSEMBLY BILL 269

October 31, 2011 - Offered by Representative PRIDEMORE.

1 AN ACT <sup>(rejuvenate)</sup> ~~to amend 7.30 (2) (a) and (b), 7.30 (4) (b) 1., 7.30 (4) (b) 2. and 7.30 (4)~~  
2 ~~(e); and to create 227.52 (8)~~ of the statutes; relating to: appointment and  
3 residency of 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

except that an individual who serves as the chief inspector at a polling place must be a qualified elector of the municipality where he or she

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.

server unless unless candidate is available or the chief inspector appointed to fill a temporary vacancy and

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

This substitute amendment provides that an individual who serves as an election official at a polling place on election day need be an elector only of a county in which the municipality where the official serves is located, except as the law currently permits the individual to reside elsewhere, and except that a high school pupil who serves as an inspector must continue to meet the current residency requirement.

outside the county where he or she serves

The substitute amendment also permits, for up to 50 percent of the positions to be filled, a political party officer to ~~appoint~~ <sup>recommend</sup> the ward for which an individual is nominated to serve. The substitute amendment ~~requires~~ <sup>permits</sup> 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 percent 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.

No. 9 Under the substitute amendment, the recommendation must specify a ward where the nominee is nominated to serve. Must be generally balanced across a 5 county area & the attorney general otherwise permit for good cause shown

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

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

7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may conduct an election. Except as otherwise provided in this paragraph and in ss. 7.15

(1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of the ward or wards, or the election district, for a county in which the polling place is established.

A special registration deputy who is appointed under s. 6.55 (6) or an election official who is appointed under this section to fill a vacancy under par. (b) need not be a resident of the ward or wards, or the election district, but shall be a resident of the

to achieve geographic representation

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

22 (b) When a vacancy occurs in an office under this section, the vacancy shall be  
 23 filled by appointment of the municipal clerk. Unless the vacancy occurs in the  
 24 position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from  
 25 the remaining names on the lists submitted under sub. (4) or from additional names

*and each chief inspector shall be*  
*qualified*  
*elector*  
*of the*  
*municipality*  
*in*  
*which*  
*the*  
*official*  
*serves*  
*if no*  
*qualified*  
*candidate*  
*is available*  
*or if the*  
*chief*  
*inspector*  
*is*  
*appointed*  
*to*  
*fill*  
*a*  
*vacancy*  
*under*  
*par*  
*(b) of this*  
*section*  
*so*  
*appointing*  
*need*  
*not*  
*be a*  
*qualified*  
*elector*  
*of*  
*the*  
*municipality*  
*and*  
*except*  
*that*



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

13 SECTION 2. 7.30 (4) (b) 1. of the statutes is amended to read:

14 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the  
 15 aldermanic district committeemen or committeewomen under s. 8.17 of each of the  
 16 2 dominant recognized political parties shall submit a certified list no later than  
 17 November 30 of each odd-numbered year containing the names of at least as many  
 18 nominees as there are inspectors from that party for each of the voting wards in the  
 19 aldermanic district. The list shall include the address of each nominee and, for not  
 20 more than 50 percent of the positions to be filled, may ~~specify~~ <sup>recommend</sup> the ward for which the  
 21 nominee is nominated to serve. <sup>in</sup> For inspectors serving under s. 7.52 (1) (b), the  
 22 aldermanic district committeemen and committeewomen under s. 8.17 of the 2  
 23 dominant recognized political parties shall jointly submit a certified list of nominees  
 24 containing at least twice as many nominees as there are inspectors from that party  
 25 who are to be appointed under s. 7.52 (1) (b). The chairperson may designate any

*Handwritten notes:*  
 - A bracket underlines the phrase "may specify the ward for which the nominee is nominated to serve."  
 - Above the bracket, the word "recommend" is written and underlined.  
 - To the right of the bracket, the word "indicate" is written.  
 - Further to the right, the word "recommend" is written again.  
 - Below the bracket, the word "in" is written.  
 - To the left of the bracket, the handwritten text "PWS 4-24" is written.

1 individual whose name is submitted as a first choice nominee. The board of election  
 2 commissioners shall appoint, no later than December 31 of odd-numbered years, at  
 3 least 5 inspectors for each ward. The board of election commissioners shall appoint  
 4 all first choice nominees and, for at least 50 percent of the positions being filled, ~~may~~  
 5 appoint those nominees who are nominated to serve at the polling place for a  
 6 specified ward to serve at the polling place for that ward for so long as positions are  
 7 available, ~~unless nonappointment is~~ except as authorized under par. (e), and shall  
 8 appoint other individuals in its discretion. The board of election commissioners may  
 9 designate such alternates as it deems advisable.

10 SECTION 3. 7.30 (4) (b) 2. of the statutes is amended to read:

11 7.30 (4) (b) 2. a. In municipalities other than cities and villages located in  
 12 counties having a population of more than 500,000, the committees organized under  
 13 s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list  
 14 containing at least as many names as there are needed appointees from that party.  
 15 The list shall be submitted by the chairperson of each of the 2 committees to the  
 16 mayor, president, or chairperson of the municipality. If committees are organized in  
 17 subdivisions of a city, the list shall be submitted through the chairperson of the city  
 18 committee. If there is no municipal committee, the list shall be submitted by the  
 19 chairperson of the county or legislative district committee. The list shall include the  
 20 address of each nominee, the municipality for which the nominee is nominated to  
 21 serve and, for not more than 50 percent of the positions to be filled within a  
 22 municipality, may ~~specify~~ <sup>recommend</sup> the ward, if any, for which the nominee is nominated to  
 23 serve. Except as provided in par. (c), only those persons submitted by the chairperson  
 24 of each committee under s. 8.17 may act as election officials. The chairperson may  
 25 designate any individual whose name is submitted as a first choice nominee. The list

4  
5

22

*and recommended*  
*may*  
*recommend indicate the committee's recommendation for the ward in*  
*TWS 5-25*

1 shall contain the signature of the chairperson and secretary of the submitting  
2 committee.

3 b. In cities or villages located in counties having a population of more than  
4 500,000, other than cities where there is a board of election commissioners, the  
5 aldermanic district or village committeeman or committeewoman for the ward or  
6 wards where each polling place is located, if there is one, or for inspectors serving  
7 under s. 7.52 (1) (b), the committeemen and committeewomen for the municipality  
8 acting jointly, shall submit a list containing at least as many names as there are  
9 needed appointees for inspector positions from the party represented by the  
10 committeeman or committeewoman or by the committeemen and committeewomen  
11 acting jointly. For appointments of inspectors in cities and villages where there is  
12 no aldermanic district or village committeeman or committeewoman, nominations  
13 shall proceed in the same manner as in municipalities located in counties having a  
14 population of 500,000 or less. The list shall be submitted to the mayor or president.

15 The list shall include the address of each nominee, the municipality for which the  
16 nominee is nominated to serve and, for not more than 50 percent of the positions to

17 be filled within a municipality, may ~~specify~~ <sup>recommend</sup> the ward, if any, for which the nominee  
18 is nominated to serve. <sup>indicate the committeemen's and committee women's recommendations for the ward in</sup> Except as provided in par. (c), only those persons whose names

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

24 c. Upon submission of each nominee's name, the governing body shall appoint  
25 each first choice nominee for so long as positions are available, unless

1  
2  
3

nonappointment is authorized under par. (e) <sup>Sub. and (6) (b)</sup> and shall appoint other nominees in its discretion. <sup>if</sup> In addition, for at least 50 percent of the positions being filled, the governing body ~~shall~~ <sup>may</sup> appoint those nominees who are nominated <sup>and re commended</sup> to serve at the polling place for a specified ward to serve at the polling place for that ward, except as authorized under par. (e). <sup>JWS 7-5</sup> 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.

JWS  
7-8

SECTION 4. ~~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.

SECTION 5. 227.52 (8) of the statutes is created to read:

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

22

(END)



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO 2011 SENATE BILL 269**

At the locations indicated, amend the bill as follows:

✓ 1. Page 4, line 20: delete "specify" and substitute "recommend".

4-21  
2. Page 4, line 21: after "serve." insert "The recommendations that specify a ward for service shall be balanced geographically across the city."

3. Page 5, line 4: delete "shall" and substitute "may".

4. Page 5, line 5: after "nominated" insert "and recommended".

5-23  
5. Page 5, line 23: after "serve." insert "The recommendations that specify a ward for service shall be balanced geographically across the county."

✓ 6. Page 5, line 22: delete "specify" and substitute "recommend".

✓ 7. Page 6, line 17: delete "specify" and substitute "recommend".

*unless the attorney general otherwise permits for good cause shown*

*unless the attorney general otherwise permits for good cause shown*

*to achieve geographic representation*

Use 2x

*to achieve geographic representation*

8. Page 6, line 18: after "serve." insert "The recommendations that specify a ward for service shall be balanced ~~geographically~~ across the city or village."

9. Page 7, line 1: after "(e)" insert "and sub. (6) (b)".

10. Page 7, line 2: after "discretion." insert "If".

11. Page 7, line 3: delete "shall" and substitute "may"

12. Page 7, line 3: after "nominated" insert "and recommended".

13. Page 7, line 5: delete "If" and substitute "Except as authorized in sub. (6)

(b), if

14. Page 7, line 8: after that line insert:

"SECTION ~~3m.?~~ 7.30 (4) (c) of the statutes is amended to read:

7.30 (4) (c) Except with respect to inspectors who are appointed under sub. (1)

(b) and except when a nonpartisan appointment is authorized under sub. (6) (b), for so long as nominees are made available by the political parties under this section, appointments may be made only from the lists of submitted nominees. If the lists are not submitted by November 30 of the year in which appointments are to be made, the board of election commissioners shall appoint, or the mayor, president or chairperson of a municipality shall nominate qualified persons whose names have not been submitted. If an insufficient number of nominees appears on the lists as of November 30, the board of election commissioners shall similarly appoint, or the mayor, president or chairperson shall similarly nominate sufficient individuals to fill the remaining vacancies. In addition, the mayor, president, or board chairperson of the municipality shall similarly nominate qualified persons to serve in the inspector positions authorized under sub. (1) (b). Any appointment which is made due to the

*unless the attorney general otherwise permits for good cause shown*

7-5

7-8



lack of availability of names submitted under par. (b) may be made without regard to party affiliation.

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.

**15. Page 7, line 9: delete lines 9 to 21 and substitute:**

~~SECTION 4m.?~~ 7.30 (6) (b) of the statutes is amended to read:

7.30 (6) (b) Prior to the first election following the appointment of the inspectors, the municipal clerk shall appoint one of the inspectors at each polling place, other than an inspector who is appointed under sub. (1) (b), to serve as chief inspector. No person may serve as chief inspector at any election who is not certified by the board under s. 7.31 at the time of the election. The chief inspector shall hold the position for the remainder of the term unless the inspector is removed by the clerk or the inspector ceases to be certified under s. 7.31, except that whenever wards are combined or separated under s. 5.15 (6) (b), the municipal clerk shall appoint another inspector who is certified under s. 7.31 to serve as chief inspector at each polling place designated under s. 5.15 (6) (b). If a vacancy occurs in the position of chief inspector at any polling place, the municipal clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the vacancy. The clerk shall ensure that the person who is appointed to serve as chief inspector is a qualified elector of the municipality in which the person serves unless the person is appointed to fill a temporary vacancy. If the county party committee or the committeemen and committeewomen do not submit the name of a qualified person to serve as chief inspector, the municipality may appoint a person to serve as chief inspector on a nonpartisan basis.

7-8

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.

(END)