



2013 SENATE BILL 198

May 23, 2013 – Introduced by Senators T. CULLEN, L. TAYLOR, LEHMAN, HARRIS, HANSEN and JAUCH, cosponsored by Representatives BERCEAU, SHANKLAND, WACHS, BERNIER, POPE, RINGHAND, SARGENT, HEBL, DOYLE, C. TAYLOR, HULSEY, OHNSTAD, KAHL, BILLINGS, KOLSTE and HESSELBEIN. Referred to Elections and Urban Affairs.

1 **AN ACT to amend** 6.26 (2) (a), 6.26 (2) (b), 6.26 (2) (c), 6.26 (2) (cm), 6.26 (3), 7.10
2 (9), 7.315 (1) (a), 7.315 (1) (b) and 12.60 (1) (b); and **to create** 6.26 (2) (an), 6.26
3 (2) (ce), 7.315 (1) (am) and 12.13 (3) (zg) of the statutes; **relating to:**
4 appointment and training of special registration deputies by county clerks and
5 boards of election commissioners, employment of special registration deputies,
6 and providing a penalty.

Analysis by the Legislative Reference Bureau

Currently, the municipal clerk or board of election commissioners of any municipality may appoint special registration deputies to assist qualified electors in completing their voter registration forms prior to the close of registration at locations other than the office of a municipal clerk or board of election commissioners, the office of the Government Accountability Board, or a polling place. To be effective for a given election, registration forms that are obtained by a special registration deputy must be received by a municipal clerk or board of election commissioners or postmarked no later than the 20th day before the election. Any qualified elector of this state may qualify to serve as a special registration deputy. An individual may be appointed to serve more than one municipality by more than one municipal clerk or board of election commissioners. A deputy may register any qualified elector of the municipality or municipalities for which he or she is appointed. A municipal clerk may revoke the appointment of any individual who serves as a deputy for cause, and no individual whose appointment is revoked is eligible for reappointment.

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This bill permits a county clerk or board of election commissioners to appoint one or more individuals to serve as a special registration deputy. The bill also permits an individual to be appointed to serve more than one county by more than one county clerk or board of election commissioners. Under the bill, a deputy who is appointed by the clerk or board may register any qualified elector of the county for which he or she is appointed. The bill makes a county clerk or board of election commissioners responsible for the training of any special registration deputies appointed by that clerk or board and permits that clerk or board to delegate responsibility for providing training to certain other county or municipal officials or employees. Under the bill, a municipal clerk retains the ability to appoint special registration deputies for the municipality.

Currently, no person may compensate a person who obtains voter registration forms from other persons at a rate that varies in relation to the number of voter registrations obtained by the person. Violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months, or both. This bill provides, in addition, that no person who employs an individual to serve as a special registration deputy may require the individual, as a condition of employment, to obtain an express or implied quota of new registrants within a given period.

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

1 **SECTION 1.** 6.26 (2) (a) of the statutes is amended to read:

2 6.26 (2) (a) A qualified elector of the state may apply to any municipal clerk or
3 board of election commissioners to be appointed as a special registration deputy for
4 the purpose of registering electors of the municipality prior to the close of
5 registration. An applicant may be appointed by more than one municipal clerk or
6 board of election commissioners to serve more than one municipality. The term of
7 an appointment under this paragraph begins on July 1 of an odd-numbered year and
8 ends 2 years later on June 30 of the next odd-numbered year.

9 **SECTION 2.** 6.26 (2) (an) of the statutes is created to read:

10 6.26 (2) (an) Any qualified elector of this state may apply to a county clerk or
11 board of election commissioners to be appointed as a special registration deputy for
12 the purpose of registering electors of the county prior to the close of registration. An

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1 applicant may be appointed by more than one county clerk or board of election
2 commissioners to serve more than one county. The term of an appointment under
3 this paragraph begins on July 1 of an odd-numbered year and ends 2 years later on
4 June 30 of the next odd-numbered year.

5 **SECTION 3.** 6.26 (2) (b) of the statutes is amended to read:

6 6.26 (2) (b) The municipal or county clerk or board of election commissioners
7 may appoint any applicant who qualifies under this subsection, unless the
8 applicant's appointment has been revoked by a municipality or county for cause. The
9 municipal or county clerk or board of election commissioners may revoke an
10 appointment made by the clerk or board of election commissioners for cause at any
11 time.

12 **SECTION 4.** 6.26 (2) (c) of the statutes is amended to read:

13 6.26 (2) (c) ~~No Except as authorized in par. (ce), no~~ individual may serve as a
14 special registration deputy in a municipality unless the individual is appointed by
15 the municipal clerk or board of election commissioners of the municipality and the
16 individual completes training required under s. 7.315.

17 **SECTION 5.** 6.26 (2) (ce) of the statutes is created to read:

18 6.26 (2) (ce) Except as authorized in par. (c), no individual may serve as a
19 special registration deputy in a county unless the individual is appointed by the
20 county clerk or board of election commissioners of the county and the individual
21 completes training required under s. 7.315.

22 **SECTION 6.** 6.26 (2) (cm) of the statutes is amended to read:

23 6.26 (2) (cm) Each county and municipal clerk or board of election
24 commissioners shall maintain a record of the names and addresses of each individual
25 who is appointed by the clerk or board of election commissioners to serve as a special

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1 registration deputy under this section and who has complied with the training
2 requirements for service as a special registration deputy under s. 7.315 (1) (b) 1.

3 **SECTION 7.** 6.26 (3) of the statutes is amended to read:

4 6.26 (3) The board shall, by rule, prescribe procedures for appointment of
5 special registration deputies, for revocation of appointments of special registration
6 deputies, and for training of special registration deputies by municipal and county
7 clerks and boards of election commissioners. The procedures shall be coordinated
8 with training programs for special registration deputies conducted by municipal and
9 county clerks and boards of election commissioners under s. 7.315 and shall be
10 formulated to promote increased registration of electors consistent with the needs
11 of municipal clerks and boards of election commissioners to efficiently administer the
12 registration process.

13 **SECTION 8.** 7.10 (9) of the statutes is amended to read:

14 7.10 (9) TRAINING OF ELECTION OFFICIALS. Each county clerk shall assist the
15 board in the training of election officials under s. 5.05 (7) and shall provide training
16 to any special registration deputies appointed by the clerk under s. 6.26 (2) (an).

17 **SECTION 9.** 7.315 (1) (a) of the statutes is amended to read:

18 7.315 (1) (a) The board shall, by rule, prescribe the contents of the training that
19 municipal clerks and boards of election commissioners must provide to inspectors,
20 other than chief inspectors, to special voting deputies appointed under s. 6.875, and
21 to special registration deputies appointed under ss. 6.26 and 6.55 (6). The board
22 shall, by rule, prescribe the contents of the training that county clerks and boards
23 of election commissioners must provide to special registration deputies appointed
24 under s. 6.26.

25 **SECTION 10.** 7.315 (1) (am) of the statutes is created to read:

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1 7.315 (1) (am) A county clerk or board of election commissioners may delegate
2 responsibility for training of special registration deputies appointed under s. 6.26 to
3 any employee of the county clerk or board of election commissioners, to the municipal
4 clerk or executive director of the board of election commissioners of any municipality
5 having territory within the county, or to any employee of such a municipal clerk or
6 board of election commissioners.

7 **SECTION 11.** 7.315 (1) (b) of the statutes is amended to read:

8 7.315 (1) (b) 1. Each inspector other than a chief inspector and each special
9 voting deputy appointed under s. 6.875 and special registration deputy appointed
10 under s. 6.26 or 6.55 (6) shall view or attend at least one training program every 2
11 years. Except as provided in subd. 2., no individual may serve as an inspector, other
12 than a chief inspector, as a special voting deputy under s. 6.875, or as a special
13 registration deputy under s. ~~6.26 or~~ 6.55 (6) at any election unless the individual has
14 completed training for that election provided by the municipal clerk pursuant to
15 rules promulgated under par. (a) within 2 years of the date of the election. No
16 individual may serve as a special registration deputy under s. 6.26 at any election
17 unless the individual has completed training for that election provided by the
18 municipal or county clerk pursuant to rules promulgated under par. (a) within 2
19 years of the date of the election.

20 2. Only when an individual who has received training under subd. 1. is
21 unavailable to perform his or her election duties due to sickness, injury, or other
22 unforeseen occurrence may an individual who has not received training under subd.
23 1. be appointed to serve as an inspector, other than chief inspector, ~~or~~ a special voting
24 deputy, or a special registration deputy under s. 6.55 (6). The appointment of an
25 individual to serve under this subdivision shall be for a specific election and no

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1 individual may be appointed under this subdivision more than one time in a 2-year
2 period.

3 **SECTION 12.** 12.13 (3) (zg) of the statutes is created to read:

4 12.13 (3) (zg) Require, as a condition of employment, that an individual who
5 is employed as a special registration deputy obtain an express or implied quota of
6 new registrants within a given period.

7 **SECTION 13.** 12.60 (1) (b) of the statutes is amended to read:

8 12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8.,
9 (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zg), (zm) or (zn) may be fined not more than
10 \$1,000, or imprisoned not more than 6 months or both.

11 **SECTION 14. Nonstatutory provisions.**

12 (1) (a) Prior to the effective date of rules initially promulgated by the
13 Government Accountability Board under section 6.26 (3) of the statutes, as affected
14 by this act, county clerks and boards of election commissioners shall provide to
15 special registration deputies whom they appoint under section 6.26 of the statutes,
16 as affected by this act, the same training that was required for deputies appointed
17 under that section immediately before the effective date of this paragraph and shall
18 follow the same procedures for appointment and revocation of appointments of those
19 deputies as applied under that section immediately before the effective date of this
20 paragraph, except as otherwise required by law.

21 (b) Prior to the effective date of rules initially promulgated by the Government
22 Accountability Board under section 7.315 (1) (a) of the statutes, as affected by this
23 act, county clerks and boards of election commissioners shall provide to special
24 registration deputies whom they appoint under section 6.26 of the statutes, as
25 affected by this act, the same training that was required for deputies appointed

