

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB20)

Received: 9/9/2013 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Mark Miller (608) 266-9170 By/Representing: himself
May Contact: Drafter: tkuczens
Subject: Elections - miscellaneous Addl. Drafters:
Extra Copies: jk, jtk

Submit via email: YES
Requester's email: Sen.Miller@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Residency of election officials

Instructions:

See attached

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>
/?	tkuczens 9/9/2013			_____			
/P1	tkuczens 9/11/2013	kfollett 9/11/2013	jfrantze 9/11/2013	_____	lparisi 9/10/2013		
/P2	tkuczens 10/30/2013			_____	mbarman 9/11/2013		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1		kfollett 10/30/2013	rschluet 10/30/2013	_____	srose 10/30/2013	srose 10/30/2013	

FE Sent For:

<END>

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1 P2/F
9/11
Jo
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/?	tkuczens 9/9/2013		9/10/13 Ph	<u>Ph</u> <u>JF</u>			
/P1		kfollett 9/9/2013					

FE Sent For:

<END>



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 20

9/9/13

Wanted

9/10/13

Gen

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

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

2 SECTION 1. 7.30 (2) (a) of the statutes is amended to read:

3 7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may
4 conduct an election. Except as otherwise provided in this paragraph and in ss. 7.15

5 (1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of the ward

6 or wards, or the election district, for which the polling place is established. A special

7 ~~registration deputy who is appointed under s. 6.55 (6) or an election official who is~~

8 ~~appointed under this section to fill a vacancy under par. (b) need not be a resident~~

9 ~~of the ward or wards, or the election district, but shall be a resident of the~~

10 ~~municipality, except that if~~ If an insufficient number of qualified candidates for

1 election officials is available, one or more election officials appointed under this
2 section may be a qualified elector of the municipality in which the district or ward
3 where the official serves is located. 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 of the municipality, but shall be a resident of the state.
6 No more than 2 individuals holding the office of clerk or deputy clerk may serve
7 without regard to municipal residency in any municipality at any election. Special
8 registration deputies who are appointed under s. 6.55 (6) may be appointed to serve
9 more than one polling place. All officials appointed under this section shall be able
10 to read and write the English language, be capable, and be of good understanding,
11 and may not be a candidate for any office to be voted for at an election at which they
12 serve. In 1st class cities, they may hold no public office other than notary public.
13 Except as authorized under subs. (1) (b) and (4) (c), all inspectors shall be affiliated
14 with one of the 2 recognized political parties which received the largest number of
15 votes for president, or governor in nonpresidential general election years, in the ward
16 or combination of wards served by the polling place at the last election. Excluding
17 the inspector who may be appointed under sub. (1) (b), the party which received the
18 largest number of votes is entitled to one more inspector than the party receiving the
19 next largest number of votes at each polling place. Election officials appointed under
20 this section may serve the electors of more than one ward where wards are combined
21 under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward
22 requirements in this paragraph apply to the 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; 2009 a. 302; 2011 a. 260 s. 81.

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

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 without regard to the
15 clerk's or deputy's municipality of residence, if the clerk or deputy meets the other
16 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; 2009 a. 302; 2011 a. 260 s. 81.

17

(END)

d-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

PI
LRBs0112/?dn

TKK: *kgf*

Date

NO *Bridget indicated you were unavailable today and did not have sufficient information to answer my question.*

Senator Miller

On Monday morning (September 9, 2013), I spoke with Bridget Esser to seek clarification on the drafting instructions for this amendment. *your* instructions indicated that clerks should not be obligated to "appoint non-resident partisan poll workers if sufficient residents of the municipality are available." However, I wasn't clear whether, by "residents of the municipality," you meant residents of the ward or election district (current law s. 7.30 (2)(a) requires election officials to be qualified electors of the ward or election district) or whether you meant residents of the municipality within which a ward or election district is located. Given this uncertainty, I was not sure whether to broaden the pool of "non-resident partisan poll workers" to include only residents of the municipality within which a ward or election district is located, or to also include residents of the county within which that municipality is located.

In this substitute amendment, I chose the first approach. Under the substitute amendment, if there are an insufficient number of qualified electors of an election district or ward to serve as election officials, qualified electors of the municipality within which the ward or district is located may be appointed to serve. Is that consistent with your intent? Or did you want to broaden the pool to include qualified electors of the county?

Also, under current law, special registration deputies appointed under s. 6.55 (6) and election officials appointed to fill a vacancy may be selected from the municipality (and not just from the district or ward); as a result, I have stricken the superfluous language applicable to these election officials.

Let me know if you would like me to make any changes to this draft. If you are comfortable with the substitute amendment as drafted, I will prepare it for introduction.

Tracy K. Kuczenski
Senior Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

Kuczenski, Tracy

From: Miller, Mark
Sent: Wednesday, September 04, 2013 12:51 PM
To: Kuczenski, Tracy
Cc: Esser, Bridget
Subject: SB 20 amendment request

Please draft an amendment to SB20 that clarifies that clerks not obligated to appoint non-resident partisan poll workers if sufficient residents of the municipality are available.

Bridget Esser is the contact in my office.

Thank you.

Sen. Mark Miller

16 Senate District
PO Box 7882, Madison, WI 53707
608-266-9170
608-266-5087 (fax)
Sen.Miller@legis.wi.gov

9/1/13

T. call to Bridget - permit clerks to appoint from within the ward unless there are none (ward residents as first choice).

9/10/13 T. conf w/ Sen. Miller:

→ able to go outside ward or election district only if insufficient # local election officials (qualified candidates for...) available.
if unavailable, can go to county

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0112/P1dn
TKK:kjf:ph

September 10, 2013

Senator Miller

On Monday morning (September 9, 2013), I spoke with Bridget Esser to seek clarification on the drafting instructions for this amendment. Your instructions indicated that clerks should not be obligated to “appoint non-resident partisan poll workers if sufficient residents of the municipality are available.” However, I wasn’t clear whether, by “residents of the municipality,” you meant residents of the ward or election district (current law s. 7.30 (2) (a) requires election officials to be qualified electors of the ward or election district) or whether you meant residents of the municipality within which a ward or election district is located. Given this uncertainty, I was not sure whether to broaden the pool of “non-resident partisan poll workers” to include only residents of the municipality within which a ward or election district is located, or to also include residents of the county within which that municipality is located. Bridget indicated you were unavailable today and did not have sufficient information to answer my question.

Under the substitute amendment, if there are an insufficient number of qualified electors of an election district or ward to serve as election officials, qualified electors of the municipality within which the ward or district is located may be appointed to serve. Is that consistent with your intent? Or did you want to broaden the pool to include qualified electors of the county?

Also, under current law, special registration deputies appointed under s. 6.55 (6) and election officials appointed to fill a vacancy may be selected from the municipality (and not just from the district or ward); as a result, I have stricken the superfluous language applicable to these election officials.

Let me know if you would like me to make any changes to this draft. If you are comfortable with the substitute amendment as drafted, I will prepare it for introduction.

Tracy K. Kuczenski
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E-mail: tracy.kuczenski@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 20

9/11/13

wanted 9/12/13

Regen

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

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

3 SECTION 1. 7.30 (2) (a) of the statutes is amended to read:

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9 ~~appointed under this section to fill a vacancy under par. (b) need not be a resident~~
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NO
Strike

plain

to serve in a ward or election district

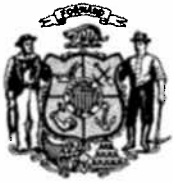
plain

no strike

① municipality, except that if an insufficient number of qualified candidates for
 ② election officials is available, one or more election officials appointed under this
 ③ section may be a qualified elector of the municipality ^{a county} ^{municipality} in which the district or ward
 ④ where the official serves is located. If a municipal clerk or deputy clerk serves as a
 ⑤ registration deputy or is appointed to fill a vacancy under par. (b), the clerk or deputy
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 ㉑ this section may serve the electors of more than one ward where wards are combined
 ㉒ under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward
 ㉓ requirements in this paragraph apply to the municipality at large.

to serve in that ward or election district

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



stays RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE SUBSTITUTE AMENDMENT ,

TO SENATE BILL 20

New

10/30/13

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22 this section may serve the electors of more than one ward where wards are combined
23 under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward
24 requirements in this paragraph apply to the municipality at large.

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



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2013 LRBs0112/1 (For: Senace Miller)

has been copied/added to the drafting file for

2013 LRBs0174 (For: Senace Miller)

Are These "Companion Bills" ?? ... No



RESEARCH APPENDIX - PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 11/01/2013 (Per: TKK)

* If the attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as an appendix, to the new drafting file. If introduced the section will be scanned and added, as a separate appendix, to the electronic drafting file folder.