

State of Wisconsin



2013 Senate Bill 20

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2013 WISCONSIN ACT 147

AN ACT *to amend* 7.30 (2) (a) and (b), 7.30 (4) (b) 1., 7.30 (4) (b) 2. and 7.30 (4) (c) of the statutes; **relating to** residency of election officials.

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 municipality, except that if where the official serves is located, and each chief inspector shall be a qualified elector of the municipality in which the chief inspector serves. If no qualified candidate for chief inspector is available or if the chief inspector is appointed to fill a vacancy under par. (b), the person so appointed need not be a qualified elector of the municipality. If a municipal clerk or deputy clerk serves as a registration deputy or is appointed to fill a vacancy under par. (b), the clerk or deputy clerk need not be a resident of the municipality county, but shall be a resident of the state. No more than 2 individuals holding the office of clerk or deputy clerk may serve without regard to municipal county resi-~~

dency in any municipality at any election. Special registration deputies who are appointed under s. 6.55 (6) may be appointed to serve more than one polling place. All officials appointed under this section shall be able to read and write the English language, be capable, and be of good understanding, and may not be a candidate for any office to be voted for at an election at which they serve. In 1st class cities, they may hold no public office other than notary public. Except as authorized under subs. (1) (b) and (4) (c), all inspectors shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in non-presidential general election years, in the ward or combination of wards served by the polling place at the last election. Excluding the inspector who may be appointed under sub. (1) (b), the party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place. ~~Election officials appointed under this section may serve the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.~~

(b) When a vacancy occurs in an office under this section, the vacancy shall be filled by appointment of the municipal clerk. Unless the vacancy occurs in the position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from the remaining names on the

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

7.30 (4) (b) 1. In cities where there is a board of election commissioners, ~~the aldermanic district committeemen or committeewomen~~ the county committee under s. 8.17 of each of the 2 dominant recognized political parties ~~described under sub. (2)~~ shall submit a certified list no later than November 30 of each odd-numbered year containing the names of at least as many nominees as there are inspectors from that party for each of the voting wards in the aldermanic district. For inspectors serving under s. 7.52 (1) (b), ~~the aldermanic district committeemen and committeewomen~~ county committees under s. 8.17 of the 2 dominant recognized political parties ~~described under sub. (2)~~ shall jointly submit a certified list of nominees containing at least twice as many the names of 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 chairperson shall sign any list submitted under this subdivision. The board of election commissioners shall appoint, no later than December 31 of odd-numbered years, at least 5 inspectors for each ward. ~~The~~ Unless nonappointment is authorized under par. (e), the board of election commissioners shall appoint all first choice nominees for so long as positions are available, ~~unless nonappointment is authorized under par. (e), and.~~ The board of election commissioners shall appoint other individuals in its discretion. ~~The board of election commissioners and~~ and may designate such alternates as it deems advisable.

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

7.30 (4) (b) 2. a. In municipalities ~~a municipality~~ other than cities and villages a city or village located in counties a county having a population of more than 500,000, the committees organized under s. 8.17 ~~from for~~ each of the 2 dominant recognized political parties

described under sub. (2) shall submit a list containing at least as many the names as there are needed appointees of nominees from that party. ~~The list shall be submitted by the chairperson of each of the 2 committees shall submit the list~~ to the mayor, president, or chairperson, or clerk of the municipality, or to his or her agent, or shall deliver or mail the list to the office of the municipality. If the chairperson submits the list to the municipal clerk or his or her agent, the clerk shall immediately forward the list 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 shall submit the list. If there is no municipal committee, ~~the list shall be submitted by the chairperson of the county or legislative district committee shall submit the list.~~ Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson of each committee under s. 8.17 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 shall sign the list.~~

b. In cities a city or villages village located in counties a county having a population of more than 500,000, other than cities a city where there is a board of election commissioners, ~~the~~ if there is an aldermanic district or village committeeman or committeewoman member of a committee under s. 8.17 for the ward or wards where each a polling place is located, ~~if there is one, or for the committee member shall submit a list containing the names of nominees from the recognized political party, described under sub. (2), represented by the committee member. For inspectors serving to be appointed under s. 7.52 (1) (b), the committeemen and committeewomen for the municipality acting jointly, committee members of the committees under s. 8.17 for the 2 recognized political parties described under sub. (2) for the municipality acting jointly shall submit a list containing at least as many the names as there are needed appointees for inspector positions of nominees from the party represented by the committeeman or committeewoman or by the committeemen and committeewomen committee members of the committees for the municipality acting jointly. For appointments of Nominations for inspectors to be appointed in cities and villages a city or village where there is no aldermanic district or village committeeman or committeewoman, nominations committee member shall proceed in the same manner as in municipalities a municipality located in counties a county having a population of 500,000 or less. The list appropriate committee member, committee members, or chairperson shall be submitted submit the list to the mayor or president, or clerk of the municipality, or to his or her agent, or shall deliver or mail the list to the office of the municipality. If the list is submitted to the municipal clerk or his~~

or her agent, the clerk shall immediately forward the list to the mayor or president. 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~~ appropriate committee member, committee members, or chairperson 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~~ committee member or the chairperson of the appropriate committee shall sign the list.

c. ~~Upon~~ Unless nonappointment is authorized under par. (e), upon submission of each ~~nominee's name~~ the lists of names as provided under subd. 2. a. or b., the governing body shall appoint each first choice nominee for so long as positions to be filled from that list are available, ~~unless nonappointment is authorized under par. (e), and.~~ The governing body shall appoint other nominees in its discretion. 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.

SECTION 1m. 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), 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~~ submitted under this subsection. 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. The board of election commissioners shall give priority to appointing, and the mayor, president, or chairperson of the municipality shall give priority to nominating, qualified electors of the municipality for which no list of nominees was submitted. If an insufficient number of qualified electors of the municipality can be identified, the board of election commissioners may appoint, and the mayor, president, or chairperson of the municipality may nominate, qualified electors of a county within which the municipality is located. 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 under this paragraph which is made due to the lack of availability of names submitted under par. (b) may be made without regard to party affiliation.