



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3232/1
JK:amn

2021 SENATE BILL 363

May 25, 2021 - Introduced by Senator SMITH, cosponsored by Representatives SNODGRASS, SHELTON, CONLEY, HONG, SINICKI and STUBBS. Referred to Committee on Elections, Election Process Reform and Ethics.

1 **AN ACT to create** 13.02 (5) and 19.465 of the statutes; **relating to:** requiring
2 certain persons holding a state elective office to serve as an election official.

Analysis by the Legislative Reference Bureau

This bill requires that each non-judicial elective state official, during the person's first term of office and once every three years during subsequent terms, serve as an election official for an election held where the person resides, not including an election in which the person is a candidate on the ballot. The requirement under the bill applies to the offices of governor, lieutenant governor, secretary of state, state treasurer, state superintendent of public instruction, state senator, and state representative to the assembly.

The bill requires the non-judicial elective state official to be appointed and trained in the same manner as other election officials and to serve as an election official no fewer than eight hours on election day. Under the bill, the person receives no compensation for serving as an election official. In addition, after satisfying the requirement, the person must certify that fact to the Ethics Commission. However, the requirement does not apply to a person who files with the commission a sworn statement from a physician or physician assistant verifying that the person is physically incapable of serving as an election official for eight hours on election day.

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Finally, the bill prohibits the legislature and all legislative committees from meeting on a day in which an election is being held in this state for a local, state, or national office.

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

1 **SECTION 1.** 13.02 (5) of the statutes is created to read:

2 13.02 (5) Neither the assembly nor the senate shall meet on any day in which
3 an election is being held in this state for a local, state, or national office, nor shall a
4 legislative committee meet on any such day.

5 **SECTION 2.** 19.465 of the statutes is created to read:

6 **19.465 Requirement to serve as election official.** (1) In this section:

7 (a) “Election official” has the meaning given in s. 5.02 (4e).

8 (b) “Non-judicial elective state office” means the offices of governor, lieutenant
9 governor, secretary of state, state treasurer, state superintendent, state senator, and
10 state representative to the assembly.

11 (c) “Non-judicial elective state official” means any person who holds a
12 non-judicial elective state office or has been elected to a non-judicial elective state
13 office but has not yet taken office. A person who is appointed to fill a vacant
14 non-judicial elective state office is a non-judicial elective state official.

15 (2) (a) Except as provided in par. (b), each non-judicial elective state official,
16 during the person’s first term holding a non-judicial elective state office and once
17 every 3 years during subsequent terms, shall serve as an election official for an
18 election held in the municipality where the person resides, except that the person
19 may not serve as an election official for an election in which the person is a candidate
20 on the ballot. The non-judicial elective state official shall be appointed and trained

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1 in the same manner as other election officials are appointed and trained under ss.
2 7.30, 7.31, and 7.315. For purposes of this subsection, the non-judicial elective state
3 official shall serve as an election official on election day for no fewer than 8 hours.

4 (b) This subsection does not apply to any non-judicial elective state official who
5 is physically incapable of serving as an election official for 8 hours on election day,
6 if the non-judicial elective state official provides to the ethics commission, in the
7 form and manner determined by the commission, a sworn statement from a
8 physician, as defined in s. 448.01 (5), or physician assistant, as defined in s. 448.01
9 (6), that verifies that the official is physically incapable of serving as an election
10 official for 8 hours on election day.

11 (3) It is compatible with his or her office for a non-judicial elective state official
12 to serve as an election official appointed under s. 7.30 (2) (a), but the non-judicial
13 elective state official shall not be compensated for that service, notwithstanding s.
14 7.03.

15 (4) After the non-judicial elective state official satisfies the requirement under
16 sub. (2), the official shall certify to the ethics commission, in the form and manner
17 determined by the commission, that the official has satisfied the requirement.

18 (END)