



2021 ASSEMBLY BILL 173

March 16, 2021 - Introduced by Representatives NEYLON, DUCHOW, MAGNAFICI, EDMING, STEFFEN, SPIROS, KRUG, KNODL, BROOKS, SORTWELL, GUNDRUM, MURPHY, JAGLER, WICHGERS and VANDERMEER, cosponsored by Senators STROEBEL, ROTH, DARLING, MARKLEIN, JACQUE, WANGGAARD, BRADLEY, NASS, BALLWEG and FELZKOWSKI. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to amend* 7.30 (3) (a) and 12.60 (1) (a); and *to create* 7.30 (7), 12.085 and
2 12.13 (3) (zp) of the statutes; **relating to:** private resources used for election
3 administration, appointment of election officials, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, no official or agent of a county, city, village, or town may apply for or accept any donation or grant of moneys, equipment, materials, or personnel from an individual or nongovernmental entity for purposes of election administration, except as expressly authorized under the statutes relating to elections. If the Elections Commission accepts a donation or grant of moneys from an individual or nongovernmental entity for purposes of election administration, the commission may not expend those moneys, except as follows:

1. The commission must distribute the moneys to each municipality in Wisconsin on a per capita basis, subject to an exception for distributions that would result in any municipality receiving less than \$25.

2. The commission may expend the moneys only as approved by the Joint Committee on Finance.

Under the bill, whoever violates one of the prohibitions described above is guilty of a Class I felony, the penalty for which is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

The bill also makes it a Class I felony for any person to assist in counting or tabulating votes at an election unless the person is a resident of this state, is a tabulator or election official who is trained to the extent provided by law, and has

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signed the official oath and returned it to the municipal clerk with respect to that election.

Finally, the bill prohibits the appointment of any poll worker who is an employee of any of the following:

1. A candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, or referendum committee, as those terms are defined by law.

2. A political organization required to register with the federal elections commission.

3. An issue advocacy group.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 7.30 (3) (a) Not less than 30 days before any election the governing body or
3 board of election commissioners of any municipality, by resolution, may authorize
4 the municipal clerk or executive director of the board of election commissioners to
5 select and employ tabulators for any election. Such authorization applies to the
6 elections specified in the resolution, and if not specified, applies until the
7 authorization is modified or revoked. Each tabulator shall sign the official oath and
8 return it to the municipal clerk before the election.

9 **SECTION 2.** 7.30 (7) of the statutes is created to read:

10 7.30 (7) PROHIBITED EMPLOYMENT. (a) In this subsection:

11 1. "Committee" has the meaning given in s. 11.0101 (6).

12 2. "Issue advocacy" means communication that provides information about
13 political or social issues and is made to influence the outcome of an election.

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1 3. “Issue advocacy group” means any organization whose sole or primary
2 purpose is to engage in issue advocacy.

3 (b) No person who is an employee of any of the following may be appointed as
4 an election official:

5 1. A committee.

6 2. A political organization required to register with the federal elections
7 commission.

8 3. An issue advocacy group.

9 **SECTION 3.** 12.085 of the statutes is created to read:

10 **12.085 Private resources for election administration. (1) DEFINITIONS.**

11 In this section:

12 (a) “Election administration” means preparing for, facilitating, conducting, or
13 administering an election.

14 (b) “Private resources” means moneys, equipment, materials, or personnel
15 provided by any individual or nongovernmental entity, but does not include
16 employees receiving paid leave to act as tabulators or election officials.

17 **(2) BAN ON PRIVATE RESOURCES FOR ELECTION ADMINISTRATION.** No official or agent
18 of a county or municipality may apply for or accept any donation or grant of private
19 resources for purposes of election administration, except as expressly authorized
20 under chs. 5 to 12.

21 **(3) COMMISSION ACCEPTANCE OF PRIVATE MONEYS FOR ELECTION ADMINISTRATION.**

22 If the commission accepts a donation or grant of moneys from an individual or
23 nongovernmental entity for purposes of election administration, the commission
24 may not expend those moneys except as follows:

