



## 2013 ASSEMBLY BILL 393

September 27, 2013 – Introduced by Representatives BERNIER, KLEEFISCH, BIES, THIESFELDT and SCHRAA, cosponsored by Senators LAZICH, COWLES and GROTHMAN. Referred to Committee on Campaigns and Elections.

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

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### *Analysis by the Legislative Reference Bureau*

Current law generally requires election officials to be qualified electors of the municipality in which the officials serve. In addition, current law generally requires election officials who serve at a polling place to be qualified electors of the ward for which the polling place is established, whenever a municipality is divided into wards. However, special registration deputies who register electors at a polling place on election day, election officials who are appointed to work at a polling place that serves more than one ward, election officials who are reassigned by a municipal clerk or board of election commissioners to correct staffing deficiencies, or election officials who are appointed to fill a temporary or permanent vacancy need not be electors of any particular ward, but must be qualified electors of the municipality in which they serve. Officials who are appointed to work at a polling place that serves more than one ward must be electors of one of the wards served by the polling place. A high school pupil who is 16 or 17 years of age may serve as an inspector (poll worker) at the polling place serving his or her residence. In addition, if the municipal clerk or the executive director of a board of election commissioners or a deputy to the clerk or executive director serves as a special registration deputy or is appointed to work at a polling place to fill a vacancy in an inspector position, the clerk, executive director, or deputy need not be a resident of the municipality in which he or she serves.

This bill provides, with certain exceptions, that an individual who serves as an election official at a polling place on election day need be an elector only of a county

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in which the municipality where the official serves is located. An individual who serves as the chief inspector at a polling place must be a qualified elector of the municipality where he or she serves unless no qualified candidate is available or the chief inspector is appointed to fill a temporary vacancy. A high school pupil who serves as an inspector must continue to meet the current residency requirement.

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

1           **SECTION 1.** 7.30 (2) (a) and (b) of the statutes are amended to read:

2           7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may  
3           conduct an election. Except as otherwise provided in this paragraph and in ss. 7.15  
4           (1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of the ward  
5           or wards, ~~or the election district, for a county in~~ in which the polling place is established.  
6           ~~A special registration deputy who is appointed under s. 6.55 (6) or an election official~~  
7           ~~who is appointed under this section to fill a vacancy under par. (b) need not be a~~  
8           ~~resident of the ward or wards, or the election district, but shall be a resident of the~~  
9           ~~municipality, except that if~~ where the official serves is located, and each chief  
10           inspector shall be a qualified elector of the municipality in which the chief inspector  
11           serves. If no qualified candidate for chief inspector is available or if the chief  
12           inspector is appointed to fill a vacancy under par. (b), the person so appointed need  
13           not be a qualified elector of the municipality. If a municipal clerk or deputy clerk  
14           serves as a registration deputy or is appointed to fill a vacancy under par. (b), the  
15           clerk or deputy clerk need not be a resident of the ~~municipality~~ county, but shall be  
16           a resident of the state. No more than 2 individuals holding the office of clerk or  
17           deputy clerk may serve without regard to ~~municipal~~ county residency in any  
18           municipality at any election. Special registration deputies who are appointed under  
19           s. 6.55 (6) may be appointed to serve more than one polling place. All officials

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

15 (b) When a vacancy occurs in an office under this section, the vacancy shall be  
16 filled by appointment of the municipal clerk. Unless the vacancy occurs in the  
17 position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from  
18 the remaining names on the lists submitted under sub. (4) or from additional names  
19 submitted by the chairperson of the county party committee of the appropriate party  
20 under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is  
21 due to candidacy, sickness or any other temporary cause, the appointment shall be  
22 a temporary appointment and effective only for the election at which the temporary  
23 vacancy occurs. The same qualifications that applied to original appointees shall be  
24 required of persons who fill vacancies except that ~~a vacancy may be filled in cases of~~  
25 ~~emergency or because of time limitations by a person who resides in another~~

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1 ~~aldermanic district or ward within the municipality, and if a municipal clerk or~~  
2 deputy clerk fills the vacancy, the clerk or deputy, but not more than a total of 2  
3 individuals in any municipality, may serve without regard to the clerk's or deputy's  
4 ~~municipality~~ county of residence, if the clerk or deputy meets the other  
5 qualifications.

6 (END)