

State of Wisconsin



2021 Assembly Bill 173

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

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

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

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

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

SECTION 2. 7.30 (7) of the statutes is created to read:
7.30 (7) PROHIBITED EMPLOYMENT. (a) In this subsection:

1. "Committee" has the meaning given in s. 11.0101 (6).
2. "Issue advocacy" means communication that provides information about political or social issues and is made to influence the outcome of an election.
3. "Issue advocacy group" means any organization whose sole or primary purpose is to engage in issue advocacy.

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

1. A committee.
2. A political organization required to register with the federal elections commission.
3. An issue advocacy group.

SECTION 3. 12.085 of the statutes is created to read:
12.085 Private resources for election administration. (1) DEFINITIONS. In this section:

- (a) "Election administration" means preparing for, facilitating, conducting, or administering an election.
- (b) "Private resources" means moneys, equipment, materials, or personnel provided by any individual or nongovernmental entity, but does not include employees receiving paid leave to act as tabulators or election officials.

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

(b) No official or agent of a county or municipality may enter into a contract related to election administration that includes any of the following:

1. Any requirement governing election administration.

* 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."

2. Any requirement for the repayment or return of private resources used for election administration.

3. The transfer of any duty or power related to election administration to a person not having that duty or power under the laws of this state.

(3) COMMISSION ACCEPTANCE OF PRIVATE MONEYS FOR ELECTION ADMINISTRATION. The commission may not accept a donation or grant of private resources for election administration from an individual or nongovernmental entity if by accepting the donation or grant the commission is required to use the private resources for specific purposes or is required to repay or return the private resources for any reason. If the 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:

(a) Subject to par. (b), the commission shall distribute the moneys to each municipality in this state on a per capita basis to offset the municipality's expenses related to the administration of elections, except that if a distribution under this subsection would result in any municipality receiving a sum of less than \$25, the commission may retain the donation or grant and may apply the donation

or grant to offset the commission's own expenses related to the administration of elections until such time as the commission accepts additional moneys under this subsection that, in total, would result in a minimum distribution amount of \$25 or more.

(b) The commission may expend a donation or grant of moneys accepted under this subsection only as approved by the joint committee on finance. The joint committee on finance may authorize expenditures other than those provided under par. (a).

SECTION 4. 12.13 (3) (zp) of the statutes is created to read:

12.13 **(3)** (zp) 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 signed the official oath and returned it to the municipal clerk with respect to that election.

SECTION 5. 12.60 (1) (a) of the statutes is amended to read:

12.60 **(1)** (a) Whoever violates s. 12.085, 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3) (a), (e), (f), (j), (k), (L), (m), (y) ~~or (z)~~, or (zp) is guilty of a Class I felony.