



2009 ASSEMBLY BILL 545

November 3, 2009 - Introduced by Representatives SMITH, HILGENBERG, POPE-ROBERTS, PARISI, BERCEAU, MASON, BIES and SINICKI, cosponsored by Senators LEHMAN, TAYLOR and SCHULTZ. Referred to Committee on Elections and Campaign Reform.

- 1 **AN ACT to amend** 6.875 (4) (b), 7.30 (2) (a), 7.30 (2) (am), 7.30 (2) (b) and 7.52 (1)
2 (b) of the statutes; **relating to:** residency of election officials.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, an election official who serves at a polling place must be an elector of the ward or election district served by the polling place. A special registration deputy who serves at a polling place may be an elector another ward or election district within the municipality where the deputy serves. With certain limitations, a pupil who is 16 or 17 years of age may serve as an election official at the polling place serving his or her residence. A special voting deputy who supervises voting at a nursing home, retirement home, or community-based residential facility must be an elector of the municipality where the home or facility is located. An official who serves at a polling place may be replaced in case of a temporary vacancy by an individual who is an elector of a ward or election district other than a ward or election district that is served by the polling place where the individual serves. With certain limitations, a municipal clerk or deputy clerk who resides outside of a municipality may also serve as an election official in that municipality when required to fill a temporary vacancy.

This bill provides that an election official must be an elector of the county, or one of the counties, where the municipality where the official serves is located. Under the bill, a municipal clerk or deputy clerk who is an elector of this state may continue to serve as an election official in case of a temporary vacancy without regard to county residence. The bill permits a special voting deputy to be an elector of the county, or one of the counties, where the municipality in which the deputy serves is

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located. The bill also permits a pupil who is 16 or 17 years of age to serve as an election official at a polling place serving any municipality located wholly or partly within the county within which the pupil resides.

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

1 **SECTION 1.** 6.875 (4) (b) of the statutes is amended to read:

2 6.875 (4) (b) Nominations for the special voting deputy positions described in
3 par. (a) may be submitted by the 2 recognized political parties whose candidates for
4 governor or president received the greatest numbers of votes in the municipality at
5 the most recent general election. ~~The deputies~~ An individual who serves as a special
6 voting deputy shall be an elector of the county, or one of the counties, in which the
7 municipality is located. Each special voting deputy shall be specially appointed to
8 carry out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk
9 or board of election commissioners may revoke an appointment at any time. No
10 individual who is employed or retained, or within the 2 years preceding appointment
11 has been employed or retained, at a nursing home or qualified retirement home or
12 qualified community-based residential facility in the municipality, or any member
13 of the individual's immediate family, as defined in s. 19.42 (7), may be appointed to
14 serve as a deputy.

15 **SECTION 2.** 7.30 (2) (a) of the statutes is amended to read:

16 7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may
17 conduct an election. ~~Except as otherwise provided in this paragraph and in ss. 7.15~~
18 ~~(1) (k) and 7.52 (1) (b), each~~ Each election official shall be a qualified elector of the
19 ward or wards, or the election district, for which the polling place is established. ~~A~~
20 ~~special registration deputy who is appointed under s. 6.55 (6) or an election official~~

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1 who is appointed under this section to fill a vacancy under par. (b) need not be a
2 resident of the ward or wards, or the election district, but shall be a resident of the
3 municipality county, or one of the counties, in which the municipality served by the
4 polling place is located, except as authorized in par. (am) and except that if a
5 municipal clerk or deputy clerk serves as a registration deputy or is appointed to fill
6 a vacancy under par. (b), the clerk or deputy clerk need not be ~~a resident of the~~
7 ~~municipality~~ an elector of any county, but shall be ~~a resident of the~~ an elector of this
8 state. ~~No more than 2 individuals holding the office of clerk or deputy clerk may serve~~
9 ~~without regard to municipal residency in any municipality at any election.~~ Special
10 registration deputies who are appointed under s. 6.55 (6) may be appointed to serve
11 more than one polling place. All officials appointed under this section shall be able
12 to read and write the English language, be capable, and be of good understanding,
13 and may not be a candidate for any office to be voted for at an election at which they
14 serve. In 1st class cities, they may hold no public office other than notary public.
15 Except as authorized under subs. (1) (b) and (4) (c), all inspectors shall be affiliated
16 with one of the 2 recognized political parties which received the largest number of
17 votes for president, or governor in nonpresidential general election years, in the ward
18 or combination of wards served by the polling place at the last election. Excluding
19 the inspector who may be appointed under sub. (1) (b), the party which received the
20 largest number of votes is entitled to one more inspector than the party receiving the
21 next largest number of votes at each polling place. Election officials appointed under
22 this section may serve the electors of more than one ward where wards are combined
23 under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward
24 requirements in this paragraph apply to the municipality at large.

25 **SECTION 3.** 7.30 (2) (am) of the statutes is amended to read:

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1 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is
2 16 or 17 years of age and who is enrolled in grades 9 to 12 in a public or private school
3 may serve as an inspector at ~~the a~~ polling place serving ~~the pupil's residence~~ any
4 municipality located wholly or partly within the county within which the pupil
5 resides, with the approval of the pupil's parent or guardian. Any pupil who has at
6 least a 3.0 grade point average or the equivalent may serve. In addition, a school
7 board or governing body of a private school may establish criteria for service by a
8 pupil who does not have at least a 3.0 grade point average or the equivalent. A pupil
9 may serve as an inspector at a polling place under this paragraph only if at least one
10 election official at the polling place other than the chief inspector is a qualified elector
11 of this state. No pupil may serve as chief inspector at a polling place under this
12 paragraph. Before appointment by any municipality of a pupil as an inspector under
13 this paragraph, the municipal clerk shall obtain written authorization from the
14 pupil's parent or guardian for the pupil to serve for the election for which he or she
15 is appointed. In addition, if a pupil does not have at least a 3.0 grade point average
16 or the equivalent, the municipal clerk shall obtain written certification from the
17 principal of the school where the pupil is enrolled that the pupil meets any criteria
18 established by the school board or governing body for service as an inspector. Upon
19 appointment of a pupil to serve as an inspector, the municipal clerk shall notify the
20 principal of the school where the pupil is enrolled of the name of the pupil and the
21 date of the election at which the pupil has been appointed to serve.

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

23 7.30 (2) (b) When a vacancy occurs in an office under this section, the vacancy
24 shall be filled by appointment of the municipal clerk. Unless the vacancy occurs in
25 the position of an inspector appointed under sub. (1) (b), the vacancy shall be filled

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

14 **SECTION 5.** 7.52 (1) (b) of the statutes is amended to read:

15 7.52 (1) (b) A municipality that adopts the canvassing procedure under this
16 section may appoint additional inspectors under s. 7.30 (2) (a) to assist the absentee
17 ballot board of canvassers in canvassing absentee ballots under this section. In such
18 case, an odd number of inspectors shall be appointed, and at no time may there be
19 less than 3 inspectors who serve. Except as authorized in s. 7.30 (4) (c), all inspectors
20 shall be affiliated with one of the 2 recognized political parties receiving the largest
21 numbers of votes for president, or for governor in nonpresidential general election
22 years, in the municipality. The party whose candidate received the largest number
23 of votes in the municipality is entitled to one more inspector than the party whose
24 candidate received the next largest number of votes in the municipality. Each
25 inspector so appointed shall be a qualified elector of the county, or one of the counties,

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1 in which the municipality is located. The inspectors who are appointed under this
2 paragraph shall serve under the direction and supervision of the board of absentee
3 ballot canvassers.

4 **SECTION 6. Initial applicability.**

5 (1) This act first applies with respect to appointments to election official
6 positions made after the effective date of this subsection.

7 (END)