

## Election Administration Webinar Training Series

### **A REVIEW OF 2015 – AND WHAT’S AHEAD IN 2016**

A review of current and pending legislative changes in election laws and procedures

**Wednesday, December 2, 2015**

**10:00 a.m. – 11:00 a.m.**

#### **Program Presenters**

Wisconsin Government Accountability Board Staff

#### **Agenda**

- **Legislative Updates**
- **Agency Structure & Transition**
- **Election Inspectors: Residency and Party Affiliation**
- **Notification of Noncandidacy (GAB-163)**
- **Proof of Residence & Proof of Identification Standards**
- **Q & A (as time allows)**



# State of Wisconsin \ Government Accountability Board

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Chairperson

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Director and General Counsel

**DATE:** For the December 2, 2015 Elections Administration Webinar  
**FROM:** Kevin J. Kennedy – Director and General Counsel  
**SUBJECT:** Legislative Status Report

## NEW LEGISLATION

***1. Assembly Resolution 18: prohibiting certain contributions to legislative campaign committees and personal campaign committees.***

Sponsors: Minority: This resolution amends the assembly rules to provide that no legislative campaign committee and no personal campaign committee of a member may accept a contribution from a corporation incorporated outside of the United States.

***2. AJR84: Assembly Joint Resolution 84: Relating to: appointment of the state superintendent of public instruction by the governor with the advice and consent of the senate (first consideration).***

Sponsors: Majority: This proposed constitutional amendment, proposed to the 2015 legislature on first consideration, provides that the state superintendent of public instruction shall be nominated by the governor and, with the advice and consent of the senate, appointed to serve at the pleasure of the governor. Currently, the state superintendent is elected in a state-wide election, to serve a four-year term.

***3. AJR85: Assembly Joint Resolution 85: Relating to: option for each county to combine the offices of county clerk, register of deeds, and treasurer (first consideration).***

Sponsors: Majority: This proposed constitutional amendment, proposed to the 2015 legislature on first consideration, gives counties the option to combine the offices of county clerk, register of deeds, and treasurer.

***4. Assembly Bill 464: attempts to influence action upon model or similar proposed legislation, reporting by certain persons providing or state public officials receiving certain things of value, and providing a criminal penalty.***

Sponsors: Minority. Currently, with certain exceptions, a person who employs a lobbyist (principal) must register and file semiannual itemized expense statements with the Government Accountability Board (GAB). This bill requires registration and the filing of expense statements, in addition, by a principal who attempts to influence the development, drafting, consideration, modification, adoption, rejection, or defeat of

uniform, model, suggested, or recommended legislation for consideration by the legislatures of this state and other states.

**5. *Assembly Bill 472: prohibiting individuals from doing campaign work while working for other registrants.***

Sponsors: Minority. This bill prohibits an individual from being employed by a candidate, the candidate's personal campaign committee, or a legislative campaign committee while also being employed by any other individual or committee who or which is required to register with the Government Accountability Board for campaign finance purposes.

**6. *Assembly Bill 479: the requirement that a classified service employee take a leave of absence to run for office.***

Sponsors: Minority. This bill removes the requirement that a person employed in the classified service who runs for a partisan political office take a leave of absence during the campaign period for that office. The bill maintains the requirement under current law that the person separate from the classified service if elected.

**7. *Assembly Bill 481 and Senate Bill 355: limitations on borrowing by school districts and the use by school districts of resolutions and referenda to authorize bonding for capital projects or increase revenue limits and scheduling of school district referendums to exceed revenue limits.***

Sponsors: Majority. This bill provides that, if a school board applies or adopts a resolution to borrow money or adopts a resolution to increase revenue through any of the mechanisms identified above and the application, resolution, or referendum is rejected by a majority of the electors of the school district, the school board may not use any of the mechanisms identified in the bill to borrow money or raise revenue for two consecutive 365-day periods.

**8. *Assembly Bill 532 and Senate Bill 391: Relating to: training period for election officials and terms for members of a board of canvassers.***

Sponsors: Majority: This bill requires elections officials to attend at least one training session every two years during the period beginning on January 1 of each even-numbered year and ending on December 31 of the following year. Current law requires such training at least once every two years, but indicates neither the beginning nor the end of that period. **Senate public hearing held November 16, 2015.**

**9. *Senate Bill 380: Relating to: adding a circuit court branch in Calumet, Wood, Marathon, Dunn, Polk, Jackson, and Vilas counties and making an appropriation.***

Sponsors: Majority: This bill adds one additional circuit court branch for Calumet, Wood, Marathon, Dunn, and Polk counties, effective August 1, 2016, and one additional circuit court branch for Jackson and Vilas counties, effective August 1, 2017.

## PREVIOUS LEGISLATION – CHANGE IN STATUS

### ***10. Assembly Bill 251: various changes regarding administrative rules and rule-making procedures; time limits for emergency rules; and making an appropriation.***

Sponsors: Majority. The bill makes various changes regarding the rule-making procedures established under current law. **Executive Session October 28, 2015.**

### ***11. Assembly Bill 68 and Senate Bill 43: John Doe proceedings and providing a penalty.***

Sponsors: Majority. This bill imposes a six-month time limit on a John Doe proceeding. This limit may be extended for additional six-month periods if a majority of judicial administrative district chief judges find good cause for each extension. This bill also provides that the same finding is required to add specified crimes to the original complaint. The vote of each judge must be available to the public. Finally, under this bill, records reflecting the costs of John Doe investigations and proceedings are a matter of public record, temporary or permanent reserve judges are excluded from presiding over John Doe proceedings, and special prosecutors may be appointed to assist the district attorney in a John Doe proceeding only under certain conditions.

Assembly: A public hearing was held on May 14 and an executive session held on August 19 by the Assembly Committee on Judiciary. The committee recommended passage by a vote of 5-3. **Assembly floor session October 20, 2015, adopted amendments 8-10. Assembly tabled amendments 11-18. Assembly passed 60-36 with amendments.**

Senate: A public hearing was held on March 11 and an executive session held on March 12 by the Senate Committee on Judiciary and Public Safety. The committee recommended passage by the committee by a vote of 3-2. **Senate floor session October 20, 2015, adopted amendments 5-7. Senate tabled amendments 8-28. Senate Passed 18-14 with amendments. Signed into law by Governor 2015 WI Act 64.**

### ***12. Assembly Bill 199 and Senate Bill 137: publication of certain legal notices on an Internet site maintained by a municipality.***

Sponsors: Majority. Under this bill, a municipality that opts to post a legal notice in lieu of publication may, instead of posting the notice in three public places, post the notice in one public place and publish the notice on the municipality's Internet site.

Assembly: Public hearing held by June 16, 2015 by the Assembly Committee on Urban and Local Affairs. The Assembly Committee on Urban and Local Affairs held an executive session on AB-199 on September 22, 2015. The Assembly passed Senate Bill 137 by a voice vote on September 24, 2015.

Senate: Public hearing held on May 28, 2015. Executive Session held on June 3, 2015. The Senate Committee on Elections and Local Government recommended passage by a vote of 3-

2. The Senate passed Senate Bill 137 by a voice vote on June 9, 2015. **Signed into law by Governor 2015 WI Act 79.**

***13. Assembly Bill 382 and Senate Bill 368: creating a legislative office of inspector general and making appropriations.***

Sponsors: Majority. This bill creates a nonpartisan, legislative service agency known as the "Legislative Office of Inspector General," consisting of 13 inspectors general and their staff who are assigned to and housed at the headquarters of certain state agencies including the Government Accountability Board. The Joint Committee on Legislative Organization appoints each inspector general for a six-year term expiring March 1 of the odd-numbered year. The bill outlines the proposed responsibilities of the inspectors general.

***14. Assembly Bill 387 and Senate Bill 292: campaign finance.***

Sponsors: Majority. This bill restructures chapter 11 of the Wisconsin statutes, the campaign finance law. The bill follows the recommendation of the Board to strike the existing statutes and provide a complete redraft of the chapter. Assembly Amendment 1 (AA1) to the bill was approved in Executive Session. AA1 adds several of the recommendations made by Board staff, including redefining the major purpose test for PAC's and Independent Expenditure committees. Alternatively, AA1 leaves out filing of continuing reports for committees that don't make contributions, allows for the creation of separate segregated funds by party and legislative committees, and redefines what disbursements are reportable.

Assembly: The Assembly Committee on Campaigns and Elections and the Senate Committee on Elections and Local Government held a joint public hearing on October 13, 2015. Executive Session held on October 14, 2015. The committee approved Assembly Amendment 1 (AA1) on a 6-3 vote. The committee also considered several other amendments, which failed. The committee recommended passage of the bill with AA1 by a vote of 6-3. AA11 offered and passed. **Passed by Assembly 61 – 0 with amendments. 36 no-votes and 2 paired. 11/9/2015: Received from Senate amended and concurred in as amended (Senate amendment 1 adopted).**

Senate: The Assembly Committee on Campaigns and Elections and the Senate Committee on Elections and Local Government held a joint public hearing on October 13, 2015. Executive Session held October 30, 2015. **The committee approved Senate Amendment 1 and Senate Amendment 2 on a 3-2 votes. The committee recommended passage of the bill with amendments 1 & 2.**

***15. Assembly Bill 388 and Senate Bill 294: reorganizing the Government Accountability Board, requiring the exercise of rule-making authority, and making appropriations.***

Sponsors: Majority. This bill eliminates the GAB and replaces it with an Elections Commission, which administers and supervises elections, and an Ethics Commission, which

administers and supervises ethics, campaign financing, and lobbying regulation. The bill eliminates the position of General Counsel, and creates Commissioners and Deputy Commissioners to manage each new commission. The bill also provides for a process of the appointment of the membership of each commission. Assembly Amendment 1 to the bill was approved in Executive Session. AA1 makes several changes to the bill, including, allowing appointees to serve on the commission before confirmation, ensuring the commission consists of six (6) members, and requiring meetings to be conducted in accordance with parliamentary procedures.

Assembly: The Assembly Committee on Campaigns and Elections and the Senate Committee on Elections and Local Government held a joint public hearing on October 13, 2015. Executive Session held on October 14, 2015. The committee approved Assembly Amendment 1 (AA1) on a 6-3 vote. The committee also considered several other amendments, which failed. The committee recommended passage of the bill with AA1 by a vote of 6-3. **Passed by Assembly 58-39 with amendments. 11/9/2015: Received from Senate amended and concurred in as amended (Senate amendments 1 and 2 adopted).**

Senate: The Assembly Committee on Campaigns and Elections and the Senate Committee on Elections and Local Government held a joint public hearing on October 13, 2015. Executive Session held on October 30, 2015. **The committee approved Senate Amendment 1 and Senate Amendment 2 on a 3-2 votes. The committee recommended passage of the bill with amendments 1 & 2.**

***16. Assembly Bill 389 and Senate Bill 295: voter registration, verification of certain registrations, proof of residence for voting in an election, authorizing Wisconsin to enter into agreements to share information related to the registration and voting of electors.***

Sponsors: Majority. This bill permits a qualified elector to register to vote electronically, eliminates the position and responsibilities of special registration deputies, and requires the Government Accountability Board (GAB) to enter into agreements with other state election administrators to share information related to the registration and voting of qualified electors. The bill also makes several other minor changes to Wisconsin's election laws.

Assembly: A joint public hearing was held on October 13, 2015.

Senate: A joint public hearing was held on October 13, 2015.

**PREVIOUS LEGISLATION – NO STATUS CHANGE**

***17. Assembly Joint Resolution 1 and Senate Joint Resolution 2: Election of chief justice (second consideration).***

Sponsors: Majority. This constitutional amendment, to be given second consideration by the 2015 Legislature for submittal to the voters in a statewide constitutional referendum in April 2015, was first considered by the 2013 legislature in 2013 Senate Joint Resolution 57, which

became 2013 Enrolled Joint Resolution 16. The amendment directs the Supreme Court to elect a chief justice for a term of two years.

Senate Joint Resolution 2: Passed by the Senate by a vote of 17-14; passed by the Assembly by a vote of 62-34-2-1 (Aye – Nay – Paired – Not voting). Enrolled as 2015 Senate Joint Resolution 2. This referendum question was approved on the 2015 Spring Election ballot statewide.

**18. *Assembly Joint Resolution 8 and Senate Joint Resolution 12: An advisory referendum on an amendment to the U.S. Constitution.***

Sponsors: Minority. This resolution places a question on the November 2016 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. FEC*.

**19. *Assembly Joint Resolution 38 and Senate Joint Resolution 32: the right to vote (first consideration).***

Sponsors: Minority. This constitutional amendment, proposed to the 2015 legislature on first consideration, provides that every qualified elector of this state shall have the fundamental right to vote in any public election held in the election district in which the elector resides.

**20. *Assembly Joint Resolution 48: establishing competitive election criteria for redistricting the legislature (first consideration).***

Sponsors: Minority. This proposed constitutional amendment, proposed to the 2015 legislature on first consideration, defines demographic and political standards for the drawing of legislative districts and establishes criteria for the drawing of legislative districts. Following the canvass of the general election in each year that is divisible by ten, the amendment requires the superintendent of public instruction to determine the mean percentage of the vote received by candidates of the two major political parties for certain statewide offices in the prior decade and to certify those mean percentages to the legislature.

**21. *Assembly Joint Resolution 55 and Senate Joint Resolution 47: providing for an advisory referendum on the question of adopting a nonpartisan system for redistricting.***

Sponsors: Minority. These joint resolutions call for an advisory referendum on the question of whether the legislature should adopt a nonpartisan system for redistricting of legislative and congressional districts in this state. The referendum would be held at the 2016 general election.

**22. *Assembly Joint Resolution 67 & Senate Joint Resolution 56: Wisconsin Legislative Resolution to Restore Free and Fair Elections in the United States.***

Sponsors: Minority. This resolution supports a national constitutional convention to address campaign finance issues related to *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)



**23. *Assembly Bill 9 and Senate Bill 6: Legislative Audit Bureau access to documents maintained by state agencies and authorizing the Government Accountability Board to provide investigatory records to the Legislative Audit Bureau.***

Sponsors: Bipartisan. These bills clarify LAB authority to have access to all state agency documents by providing that LAB also has specific access to state agency documents that relate to agency expenditures, revenues, operations, and structure that are confidential by law. In addition, the bill requires GAB to provide investigatory records to LAB to the extent necessary for LAB to carry out its duties.

Joint Legislative Audit Committee: Public hearing held on January 21, 2015. Executive session held on January 22, 2015. The committee recommended passage of both bills unanimously.

Senate Bill 6: Passed by the Senate by voice vote; passed by the Assembly by voice vote. The Governor signed Senate Bill 6 into law as 2015 Wisconsin Act 2.

**24. *Assembly Bill 21 and Senate Bill 21: state finances and appropriations constituting the executive budget act of the 2015 legislature.***

Sponsors: Majority. This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2015-2017 fiscal biennium. The bill was passed by the Legislature and signed into law by the Governor as 2015 Act 55 on July 13, 2015.

**25. *Assembly Bill 55 and Senate Bill 27: shareholder objections to corporate political expenditures.***

Sponsors: Minority. Current law defines "disbursement," for purposes relating to campaign financing, to include a purchase, payment, loan, or gift made for political purposes; an authorized expenditure from a campaign depository account; and a payment for a broadcast or print communication to the general public for a political purpose.

This bill requires corporations to give written notice to their shareholders before making disbursements, as defined under current campaign finance law. The corporation is required to give only one notice for each corporate fiscal year. The notice must include a form that the shareholder may complete and return to the corporation to object to any disbursement during the applicable fiscal year.

The bill requires a corporation, within three months after the end of its fiscal year, to calculate the total value of its expenditures for disbursements made during the fiscal year. If an objecting shareholder returns the objection form to the corporation (opts out) within 30 days after the date stated on the corporation's notice, the corporation must, within four months after the end of its fiscal year, do all of the following: 1) pay the objecting shareholder an amount determined by multiplying the total value of corporate expenditures for disbursements by the objecting shareholder's percentage of ownership in the corporation; and 2) provide the objecting shareholder with the corporation's calculation of the total value

of its expenditures for disbursements made during the fiscal year, along with information related to the calculation.

**26. *Assembly Bill 58 and Senate Bill 47: responding to a request for an absentee ballot.***

Sponsors: Bipartisan. Under this bill, a municipal clerk who receives a request for an absentee ballot by mail, electronic mail, or facsimile transmission must respond to the request no later than one business day after receiving the request.

Assembly: Assembly Substitute Amendment 1 to AB 58 offered by Representative Horlacher. The amendment addresses the relationship between Wis. Stats. §§6.86 and 7.15. Executive session held on May 19, 2015. The Assembly Committee on Campaigns and Elections adopted Assembly Substitute Amendment 1 by a vote of 7-0. The committee recommended passage as amended by a vote of 8-0. The Committee held a public hearing and executive session regarding on August 19, 2015.

Senate: Senate Substitute Amendment 1 to Senate Bill 47 offered by Senator Harsdorf. The amendment addresses the relationship between Wis. Stats. §§6.86 and 7.15. The Senate Committee on Elections and Local Government held a public hearing on April 9, 2015. The committee held an executive session on April 16, 2015. The committee approved Senate Substitute Amendment 1 by a vote of 5-0. The committee recommended passage as amended by a vote of 5-0. The Senate adopted Senate Substitute Amendment 1 and passed the bill as amended by a voice vote.

**27. *Senate Bill 63: the presidential preference date.***

Sponsors: Minority. This bill would move the date of the Presidential Preference Election from the Spring Election to coincide with the Spring Primary.

**28. *Assembly Bill 79 and Senate Bill 71: allowing municipal clerks to register voters on Election Day.***

Sponsors: Bipartisan. Under current law, election inspectors may register electors to vote at a polling place on Election Day. In addition, a municipality may provide, by adopting a resolution, that an inspector's registration duties may be performed by special registration deputies appointed by the municipal clerk or board of election commissioners.

Under this bill, an inspector's registration duties may be performed by the municipal clerk, if the clerk is not a candidate listed on the ballot, or by special registration deputies appointed by the municipal clerk or board of election commissioners, without the municipality first adopting a resolution to allow the procedure.

Assembly: Senate Bill 71 passed by a voice vote by the Assembly on June 9, 2015.

Senate: Public hearing held on April 9, 2015 by the Committee on Elections and Local Government. Senate Amendment 1 offered by Senator Gudex. Adoption of Senate

Amendment 1 and passage as amended recommended by the Committee. Passed by a voice vote on June 9, 2015. Enacted as 2015 Wisconsin Act 39.

**29. *Assembly Bill 80:*** review by state agencies of administrative rules and enactments and an expedited process for repealing rules an agency no longer has the authority to promulgate.

Sponsors: Majority. This bill would require state agencies to file a report by March 31 of each odd-numbered year to the Joint Committee for Review of Administrative Rules identifying the following:

- Rules for which the authority to promulgate has been eliminated or restricted.
- Rules that are obsolete or that have been rendered unnecessary.
- Rules that are duplicative of superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a court ruling.

The report must also include 1) a description of the agency's actions, if any, to address each rule listed in the report and, if the agency has not taken any action to address a rule listed in the report, an explanation for not taking action; 2) a description of the status of each rule listed in the previous year's report not otherwise listed; and 3) if the agency determines that there are no such rules to list, a statement of that determination.

Assembly: Report passage recommended by the Committee on State Affairs and Government Operations by a vote of 8-5. Report passage recommended by the Committee on Judiciary by a vote of 5-3.

Senate: Public hearing held on June 2, 2015.

**30. *Assembly Bill 124 and Senate Bill 96:* fees for election recounts.**

Sponsors: Bipartisan. This bill provides that, if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is less than 10 if 4,000 or fewer votes are cast or not more than 0.25 percent of the total votes cast for the office or on the question if more than 4,000 votes are cast, the petitioner does not pay for the recount.

Under any other circumstance, the petitioner pays the actual cost of performing the recount. However, if the recount overturns the result of the election or referendum, the petitioner receives a refund of the recount fees. No recount in Wisconsin history has changed the outcome of a contest when the original margin was more than 0.125 percent. Therefore, the 0.25 percent threshold for a free recount is double the largest original margin in Wisconsin history of a successful recount.

Assembly: Executive session held on May 19, 2015. The committee recommended passage by a vote of 5-3. The Assembly passed Senate Bill 96 by a voice vote on June 9, 2015.

Senate: the Senate Committee on Elections and Local Government held a public hearing on April 9, 2015. The committee held an executive session on April 16, 2015. The committee recommended passage by a vote of 3-2. Senate Substitute Amendment 1 offered by Senator

Miller. Senate Amendment 1 introduced by Senator Miller. Senate Substitute Amendment tabled by a vote of 19-14. Senate Amendment 1 tabled by voice vote. The Senate passed Senate Bill 96 as amended by a voice vote on May 6, 2015. Enacted as 2015 Wisconsin Act 36.

**31. Assembly Bill 130: tribal identification cards.**

Sponsors: Bipartisan. This bill provides that identification cards issued by an American Indian tribe or band must be accepted as sufficient proof of identity for the purpose of any law that requires a person to present identification. This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

Assembly: Public hearing held on May 27, 2015.

**32. Assembly Bill 164 and Senate Bill 121: various election law changes.**

Sponsors: Bipartisan. This bill makes several changes to election laws and addresses several concerns identified by the Wisconsin County Clerks Association in their 2015-2016 Legislative Objectives:

- The bill requires that a write-in candidate must file a registration statement no later than noon on the Friday before the election to be a registered write-in candidate.
- The bill provides that the governing body of a town or village may hold a caucus between January 2 and January 21.
- The bill provides that the board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots from the time that the board of canvassers completed the initial canvass and 4 p.m. on the Friday after the election.
- The bill would require electors to submit a petition to pass an ordinance or resolution (direct legislation) at least 70 days from the date on which the council or board must act.
- The bill removes language related to an elector affixing a sticker to a ballot.
- Under current law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place, and the municipal election hours apply. This bill provides that a school board referendum held in conjunction with a state, county, municipal, or judicial election is subject to the same procedures.

Assembly: Assembly Amendment 1 offered by Representative Bernier. Executive session held on May 19, 2015. Assembly Amendment 1 offered by Representative Bernier. The committee recommended adoption of Assembly Amendment 1 by a vote of 8-0. The committee recommended passage as amended by a vote of 7-0. Senate Bill 121 passed by the Assembly by a voice vote on June 9, 2015.

Senate: Senate Amendment 1 offered by Senator LeMahieu. Executive Session held on June 3, 2015. Senate Amendment 1 was approved by a vote of 5-0. The Senate Committee on Elections and Local Government recommended passage as amended by a vote of 5-0. Senate

Amendment 1 adopted and passed as amended by a voice vote on June 9, 2015. Enacted as 2015 Wisconsin Act 37.

**33. *Assembly Bill 175 and Senate Bill 151:* communications by members of the Legislature.**

Sponsors: Bipartisan. Currently, with certain exceptions, no person who is elected to state or local office and who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution of 50 or more pieces of substantially identical material distributed during the period beginning on the first day for circulation of nomination papers as a candidate (or certain other dates for candidates who do not file nomination papers) and ending on the date of the election at which the person's name appears on the ballot, or on the date of the primary election at which the person's name so appears if the person is not nominated at the primary.

This bill provides that this prohibition does not apply to the cost of materials or distribution of a communication made by a member of the legislature to an address located within the legislative district represented by that member during the 45-day period following declaration of a state of emergency by the governor affecting any county in which the district is located if the communication relates solely to the subject of the emergency.

Assembly: The Committee on Campaigns and Elections held a public hearing on May 19, 2015. Assembly Amendment 1 offered by Representative Vorpapel, which would apply the exception to all state and local elected officials.

**34. *Assembly Bill 176:* reporting of the principal place of employment of certain individuals who make political contributions.**

Sponsors: Majority. Currently, with limited exceptions, each registrant under the campaign finance law must file periodic reports with the appropriate filing officer or agency specified by law. The reports must contain specified information, including the occupation and the name and address of the principal place of employment of each individual contributor whose cumulative contributions for the calendar year exceed \$100 in amount or value. Under this bill, the report must indicate the occupation of each individual contributor whose cumulative contributions for the biennium are in excess of \$500.

**35. *Assembly Bill 189:* authorizing Wisconsin to enter into agreements to share information related to the registration and voting of electors.**

Sponsors: Majority. This bill requires the chief election officer to enter into the Interstate Voter Registration Data Crosscheck Program, an agreement with a group of states to share data and information related to the registration and voting of electors in this state and the other participating states for the purpose of maintaining this state's statewide voter registration list.

Assembly: Public hearing held on May 19, 2015.

**36. *Assembly Bill 230:* requiring a municipal judge to be a licensed Wisconsin attorney.**

Sponsors: Bipartisan. Beginning on January 1, 2016, this bill requires a person seeking to be elected or appointed as a municipal judge to be an attorney licensed to practice in this state and a member in good standing of the State Bar of Wisconsin.

**37. *Assembly Bill 240 and Senate Bill 161: electioneering at a retirement home or residential care facility.***

Sponsors: Majority. Under current law, no person may engage in electioneering in or near a retirement home or residential care facility while special voting deputies are present at the home or facility. Under this bill, no candidate or candidate's agent may engage in electioneering within 100 feet of a retirement home or residential care facility during any day on which a municipality schedules special voting deputies to be present at the home or facility.

Assembly: Public hearing for AB 240 held on August 19, 2015.

Senate: Public hearing for SB 161 held on May 28, 2015. Public hearing held on AB 240 on August 25, 2015.

**38. *Assembly Bill 265: public financing of campaigns for the office of justice of the supreme court, making appropriations, and providing penalties.***

Sponsors: Minority. This bill creates a democracy trust fund under which eligible candidates for the office of justice of the Supreme Court may receive public grants derived from general-purpose revenues to finance their campaigns. Candidates who meet the requirements outlined in the bill are eligible to receive "seed money" funded through a tax refund check-off. Public financing benefits for eligible candidates are \$100,000 in the spring primary and \$300,000 in the spring election. The benefits are subject to a biennial cost of living adjustment. The bill also imposes several limitations and penalties for various violations.

**39. *Assembly Bill 288: authorizing electors to vote in the primary of more than one political party.***

Sponsors: Minority. This bill permits a voter in a partisan primary to "split tickets," designating the candidate of his or her choice for each office, including the offices of governor and lieutenant governor, regardless of party affiliation. The bill also allows a voter to vote for independent candidates for one or more state offices in a partisan primary, in addition to party candidates for one or more state or county offices. Under the bill, a voter may still vote for only one candidate for each office. The voting procedure at the general election and other partisan elections is unaffected by the bill. The bill initially applies to voting at the 2016 partisan primary election.

**40. *Assembly Bill 293: political disbursements and obligations by corporations, cooperative associations, and labor organizations and the scope of regulated activity and reporting of certain activity under the campaign finance law.***

Sponsors: Minority. With certain exceptions, this bill imposes additional registration and reporting requirements on any person who, within 60 days of an election, makes any mass communication, including an electronic communication, a mass distribution, or a mass telephoning, that includes a reference to a clearly identified candidate at that election. In addition, the bill requires a person who becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the person had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications. The bill also requires a special report by any campaign finance registrant who makes or incurs an obligation to make a mass communication that becomes reportable under the bill within 60 days of a primary or other election in an amount greater than \$500 cumulatively since the date of the registrant's last report. The special report must be made within 24 hours after the date that disbursements or obligations that exceed \$500 cumulatively are made or incurred and must include the information that would otherwise be reported on the registrant's next regular report in the form prescribed by Government Accountability Board.

Under current law, violators of registration and reporting requirements are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. In addition, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or 1 percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Intentional violators of the registration requirements and persons who intentionally file false reports or statements may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the violation involves less than \$100 in amount or value, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both, if the violation involves more than \$100 in amount or value.

**41. *Assembly Bill 316 and Senate Bill 220: allowing 16- and 17-year olds to preregister to vote.***

Sponsors: Minority. This bill allows a person age 16 or 17 to preregister to vote. Under this bill, a person who is age 16 or 17 but is otherwise a qualified elector may reregister to vote. A person who preregistered to vote may not vote in any election unless they are age 18 or older on election day. A person who preregistered may vote by absentee ballot if they will be age 18 or older on election day.

Under current law, the Government Accountability Board must maintain electronically the official registration list. Each registration list prepared for use as a poll list at a polling place must contain the full name and address of each registered elector. Under this bill, for purposes of the official registration list, "elector" means any U.S. citizen age 16 or older who has registered or preregistered and will be eligible to vote on or before the date of the next election. However, a registration list prepared for use as a poll list may not contain the name of any person who preregistered to vote unless the person will be age 18 or older on election day.

**42. *Assembly Bill 328 and Senate Bill 58: legislative and congressional redistricting.***

Sponsors: Minority. This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the Legislative Reference Bureau (LRB) to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The bill also makes various other changes to the laws governing redistricting.

**43. *Assembly Bill 342: reporting travel expenses for elected state officials seeking national office and providing a penalty.***

Sponsors: Minority. This bill requires an elected state official who is considering running for, or pursuing the nomination or election to, a national office to submit monthly statements to the Government Accountability Board identifying the official's travel expenses from the previous month. The bill also requires the official to reimburse the state for any state funds that the official used to pay for travel expenses used to consider or pursue the nomination or election to a national office.

**44. *Assembly Bill 343 and Senate Bill 258: issuance of motor vehicle operator's licenses and identification cards by the Department of Transportation.***

Sponsors: Minority. This bill makes various changes to the laws relating to the issues of REAL ID non-compliant products issued by the Department of Transportation, for using the product as photo identification for voting purposes.

**45. *Assembly Bill 379: voter registration; proving residence for registration and voting purposes; reviewing certain expenditures of the Government Accountability Board by the Joint Committee on Finance; and granting rule-making authority.***

Sponsors: Minority. This bill makes it the responsibility of the Government Accountability Board (GAB) to use all feasible means to facilitate the registration of all eligible electors of this state who are subject to a registration requirement and to maintain the registration of all eligible electors for so long as they remain eligible, except as the law specifically requires electors to take some action to continue their registrations.

In addition, the bill permits a qualified elector who has a current and valid driver's license or identification card issued by DOT to register to vote at an election



electronically on a secure Internet site maintained by GAB. The bill requires an electronic registration to be completed no later than the 20th day before an election in order to be valid for that election.

**46. *Senate Bill 201: political disbursements and obligations by corporations, cooperative associations, and labor organizations and the scope of regulated activity and reporting of certain activity under the campaign finance law.***

Sponsors: Minority. With certain exceptions, this bill imposes additional registration and reporting requirements on any person who, within 60 days of an election, makes any mass communication, including an electronic communication, a mass distribution, or a mass telephoning, that includes a reference to a clearly identified candidate at that election. In addition, the bill requires a person who becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the person had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers. The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications.

The bill also requires a special report by any campaign finance registrant who makes or incurs an obligation to make a mass communication that becomes reportable under the bill within 60 days of a primary or other election in an amount greater than \$500 cumulatively since the date of the registrant's last report. The special report must be made within 24 hours after the date that disbursements or obligations that exceed \$500 cumulatively are made or incurred and must include the information that would otherwise be reported on the registrant's next regular report in the form prescribed by Government Accountability Board. The bill also increases several penalties for violations of registration and reporting requirements.

**47. *Senate Bill 208: authorization for electors to vote in the primary of more than one political party.***

Sponsors: Minority. This bill permits a voter in a partisan primary to "split tickets," designating the candidate of his or her choice for each office, including the offices of governor and lieutenant governor, regardless of party affiliation. The bill also allows a voter to vote for independent candidates for one or more state offices in a partisan primary, in addition to party candidates for one or more state or county offices. Under the bill, a voter may still vote for only one candidate for each office. The voting procedure at the general

election and other partisan elections is unaffected by the bill. The bill initially applies to voting at the 2016 partisan primary election.

**48. *Senate Bill 245: the return of federal funds to the federal government.***

Sponsors: Minority. Current law permits the governor, as well as other executive branch agencies, to accept federal funds on behalf of the state and its political subdivisions. This bill provides that no moneys made available to, and accepted by, the state from the federal government, the expenditure of which may increase employment in this state, may be returned to the federal government without the approval of the legislature by law.

# State of Wisconsin \ Government Accountability Board

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** November 25, 2015

**TO:** Wisconsin Municipal Clerks  
Wisconsin County Clerks  
City of Milwaukee Election Commission  
Milwaukee County Election Commission

**FROM:** Michael Haas, Elections Division Administrator  
David Buerger, Elections Specialist

**SUBJECT:** 2015 Act 79 – Posting of Certain Legal Notices on the Internet

2015 Wisconsin Act 79 (see attached) was signed by the Governor on November 11, 2015 and became effective on November 13, 2015. This Act provides the option for certain municipalities to post legal notices on their website and one other public place instead of posting in three public places. This memorandum is intended to provide a brief overview of the Act and its consequences on election administration.

Wisconsin Statutes Chapter 10 requires various election notices to be published in the weeks leading up to an election. However, current law allows certain villages and towns to opt to post some legal notices in lieu of publishing notices in a newspaper, if the jurisdiction is not required to designate an official newspaper. Cities may not post notices in lieu of publication and school districts may not post school board election notices in lieu of publication.

Prior to Act 79, a municipality or school district which opted to post a legal notice in lieu of publication was required to post the notice in at least three public places likely to give notice to persons affected. Under the Act, such a municipality or school district may now, instead of posting the notice in three public places, post the notice in one public place and publish the notice on the municipality's Internet site. While the Act generally applies to legal notices of a school district, it did not alter a separate statutory provision requiring school districts to publish election notices, and therefore school districts still may not post election notices in lieu of publication.

Please note that all notices for the same election should be given in the same manner. If a village or town publishes the Type A Notice for an election even though it is not required to do so, subsequent notices for the same election should be published rather than posted.

Many clerks have asked if this Act applies to all legal notices. While the G.A.B.'s jurisdiction is limited to elections, campaign finance, ethics, and lobbying; it is our understanding that Act 79 does apply equally to all other notices where posting was previously allowed. Please note that posting is specifically not permitted for certain types of notices. See Wis. Stat. § 985.05(1) for exceptions to the option to post notices. Also, Act 79 does not change the

requirement to publish other records, such as ordinances, where otherwise required by law. Please consult with your local municipal attorney to confirm your method of publication for any particular notice.

The G.A.B. manuals will be updated to reflect 2015 Act 79 by January 2016. Clerks administering any special elections in the meantime should keep this legislative change in mind. If you have any questions regarding this new legislation, please contact the G.A.B. Help Desk at [gabhhelpdesk@wi.gov](mailto:gabhhelpdesk@wi.gov) or (608) 261-2028. Thank you.

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Director and General Counsel

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## MEMORANDUM

**TO:** Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Wisconsin County Clerks  
Milwaukee County Election Commission

**FROM:** Michael Haas  
Elections Division Administrator

Diane Lowe  
Lead Elections Specialist

**DATE:** September 15, 2015

**SUBJECT:** Appointment of Election Inspectors from Lists Submitted by Political Parties

December 31, 2015 marks the end of the current term of election inspectors (poll workers). At a meeting in December, but not later than December 31, 2015, the municipal governing body shall appoint election inspectors for a two-year term which begins January 1, 2016 and ends December 31, 2017.

### Submission of Inspector Nominee Lists by Political Parties

No later than November 30, 2015, the two major political parties whose candidates for governor or president at the last general election received the largest number of votes at an *individual polling place* (generally, the Republican and Democratic parties) may submit a certified list of election inspector nominees to the municipal governing body. The party which received the largest number of votes at each polling place is entitled to one more inspector than the party receiving the next largest number of votes. For inspector appointments made this December, the election used to determine the two dominant parties and which party is entitled to the extra poll worker at each polling place is the November 4, 2014 Gubernatorial Election.

Example: Five election inspectors are to be placed at a polling place. Scott Walker received the most votes at the polling place in November 2014. The Republican Party may nominate three people and the Democratic Party may nominate two people. The parties are entitled to 3 and 2 inspectors respectively. Each party may submit the names of nominees equal to at least the number of inspectors to which each party is entitled.

In addition to being a qualified elector of the county in which the municipality in which they serve is located, being able to read and write the English language, and otherwise being capable and of good understanding, each party may establish additional criteria that a prospective nominee must meet in order to be included on the list submitted by the party. This may include a requirement to be a member of the party or to belong to an organization affiliated with the party.

Currently, the Republican and Democratic Parties are actively working to assemble and submit lists of election inspector nominees to as many municipalities as possible. You may receive an open records request from one or both parties asking you to provide the names of your current inspectors and their party affiliations. Your list of current inspectors is an open record and subject to open records law. However, **unless your current inspectors were appointed from party lists, the response to the question of party affiliation is that your inspectors are “unaffiliated.”**

### Delivery/Transmission of Lists

Wis. Stat. § 7.30(4), provides that the lists are to be submitted to the Mayor, Village President or Town Board Chairperson. (In the City of Milwaukee, the lists are to be submitted to the City of Milwaukee Board of Election Commissioners.) Though not required, the parties have been advised to also provide a copy to the municipal clerk in order to facilitate the process. Letters have been sent to the Republican and Democratic state parties reminding them of the local parties' responsibility to submit lists of poll worker nominees. Copies of the letters accompany this correspondence.

The deadline for submission of lists by the Parties is November 30, 2015. Lists of inspector nominees may be submitted by personal delivery or electronically (by fax or email) no later than close of business on the deadline. If the list is submitted electronically, the list containing the original signature(s) of the appropriate party affiliate must follow, postmarked no later than the November 30<sup>th</sup> deadline. Wis. Admin. Code GAB § 6.04.

### If Lists are Received from One or Both Parties

When lists of election inspector nominees are submitted by one or both Parties, appointments must be made from the lists submitted by the Party for as long as election inspector positions are available.<sup>1</sup> If party lists have been timely received, positions must be filled from the lists until the names on those lists have been depleted. The lists may also designate individuals as "first-choice" nominees, who must be appointed if they qualify and so long as positions are available. If the governing body has good cause not to appoint an individual whose name is submitted as a "first-choice" nominee, it may request the G.A.B. authorize non-appointment.

### If Lists are Received but are Insufficient

If a Party's list is insufficient to fill the positions available for that party's nominees, the remaining positions are filled without regard to party affiliation.<sup>1</sup>

Example: Seven inspectors are to be placed at a polling place. Mary Burke received the most votes at the polling place in November 2014. If sufficient lists from both parties were submitted, four names would be appointed from the Democratic list and three names would be appointed from the Republican list. In this example however, there are only three names on the Democratic list and no Republican list was submitted. The governing body appoints the three Democratic names and the Mayor, Village President or Town Board Chairperson nominates other qualified individuals, regardless of party affiliation, and submits the names to the governing body for appointment to the remaining four "unaffiliated" positions. If the Republican Party submitted a list with two names in this example, then only two unaffiliated positions would be appointed.

### If No Lists are Received

If no lists are submitted, the Mayor, Village President or Town Board Chairperson nominates other qualified individuals, regardless of party affiliation, and submits the names to the governing body for appointment. All appointments are made without regard to party affiliation.

Please refer to the Election Official section of the [Election Administration Manual](#) for additional information. If you have questions, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhelpdes@wi.gov. Thank you.

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<sup>1</sup>All inspector appointments end on December 31, 2015. At the time your governing body makes inspector appointments for the coming term, all current inspector positions are considered vacant and available for appointment. Current inspectors may not be reappointed unless their name appears on a party list, the party list is insufficient or if no party list is received.

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## Step-by-Step Guide to Appointment of Inspectors from Party Lists and Selection of a Chief Inspector

### I. Determine Party Imbalance at each Polling Place

- A. Party whose candidate for Governor at the November 4, 2014 election received the most votes *at that polling place* is entitled to one extra inspector.
- B. Determine party imbalance for each polling place in anticipation of receiving lists of inspector nominees from the political parties. Example:
  - Republican candidate for governor received the most votes at the polling place. Seven total inspectors are needed. Positions available:
    - Four Republican positions
    - Three Democratic positions.
- C. Party imbalance at each polling place remains for the duration of the term.
  1. Positions determined to be Republican remain Republican positions for the duration of the term.
  2. Positions determined to be Democratic remain Democratic positions for the duration of the term.

### II. Receive Lists from Parties (Must be received no later than November 30<sup>th</sup>) Inspectors may be from the municipality or from the county in which the municipality is located.

- A. Check for “first-choice” nominees. Names with a “first choice” indication must be appointed first. Alert governing body to this requirement.
  1. If “first choice” is not indicated, but names are numbered, appointments must be made in order of numbering.
- B. Contact nominees to ensure willingness to serve.
  1. Inquire as to willingness to be trained as chief inspector. If any are willing to be trained, arrange for training.
    - a. Provide inspectors with opportunities for training including G.A.B. conducted Chief Inspector Training (CIT) webinars.
- C. Alert Party in writing of any nominee not willing to serve or be trained as CI.

### III. Appointment of Inspectors by Governing Body (No later than December 31<sup>st</sup>)

- A. Submit lists of party nominees to governing body.
  1. Advise governing body of requirement to appoint any first-choice nominees and numbered nominees in order of numbering.

- B. Submit list of unaffiliated nominees, if applicable.
- C. Governing body must appoint at least as many inspectors as there are positions to be filled (see party imbalance determined in 1B.)
  - 1. Additional inspectors may be appointed as alternates or “back up.”
- D. Appointments are made from the party lists until each party’s positions have been filled or until the lists are exhausted.
  - 1. If positions remain open and the lists have been exhausted, “unaffiliated” inspectors may be appointed to the remaining positions.
- E. Whether an inspector nominated by a party has been trained or is willing to be trained as a Chief Inspector is not relevant to the appointing process.
- F. Inspectors serve for 2-year term (1/1/2016 – 12/31/2017).

**IV. Clerk Assigns Inspectors to Each Polling Place According to the Party Imbalance at that Polling Place and Selects a Chief Inspector (CI) for Each Polling Place**

- A. If any party-affiliated inspectors are willing to be trained as Chief Inspectors, arrange for them to attend training.
- B. If all positions at the polling place have been filled from party lists, select a trained CI whose name was submitted by a party.

**R R (R) D D            or            R R R (D) D**

- C. If all positions at the polling place have been filled from party lists, **R R D D D** but there are no affiliated inspectors who are trained as chief inspectors or willing to be trained as chief inspectors, select a trained unaffiliated inspector. (Keep the party representation even.)

**R R (U) D D**

If you have mixture of affiliated and unaffiliated inspectors, **R R U U D** choose either a trained affiliated inspector or a trained unaffiliated inspector. If you have to replace an inspector to insert a trained CI, replace an unaffiliated inspector.

**R R (U) U D**

**V. CI from the Municipality vs. CI from the County**

- A. Wis. Stat. §7.30(2)(a) indicates a preference for the CI to be a municipal resident, but offers an exception: “...each chief inspector shall be a qualified elector of the municipality in which the chief inspector serves. *If no qualified candidate for chief inspector is available...the person so appointed need not be a qualified elector of the municipality...*”

**1. First Choice – Affiliated municipal resident**

If there is an affiliated inspector who is a resident of the municipality who is trained or willing to be trained as a CI, arrange for training and use for CI. Maintain party imbalance at the polling place.



**2. Second Choice – Unaffiliated municipal resident**

If no affiliated municipal resident is trained or willing to be trained as a CI, arrange for training of an unaffiliated municipal resident. If this means replacing an affiliated inspector, keep the party representation even.

**R R (U) D D**

**3. Third choice – Affiliated resident of the county**

If there is no affiliated or unaffiliated municipal resident trained or willing to be trained as a CI, arrange for training a willing affiliated inspector who is a resident of the county.

**4. Fourth choice – Unaffiliated county resident**

If there is no municipal resident or affiliated county resident trained or willing to be trained, arrange for training of a willing unaffiliated county resident. If this means replacing an affiliated inspector, keep the party representation even.

**R R (U) D D**

- B. Provide inspectors with opportunities for training including G.A.B. conducted Chief Inspector Training (CIT) webinars.

**VI. Filling Vacancies**

- A. A party that submitted a list by November 30<sup>th</sup> may supplement the list at any time during the term.
- B. The supplemental list is used only to fill vacancies which exist at the time the supplemental list is submitted or which occur after the list is submitted. The supplemental list is not used to replace an unaffiliated inspector who was originally appointed to one of the positions available to the political party.
- C. When a vacancy occurs, the position is filled from the remaining names on the original party list or a supplemental list of the party who is entitled to that position.
- D. If there are no names remaining on the list submitted by the party that is entitled to that position, and no supplemental names have been submitted by the party, the clerk may appoint an unaffiliated inspector to fill the vacancy.
- E. If an unaffiliated inspector has been appointed to fill a vacancy, and the unaffiliated inspector vacates the position, the vacancy is filled from names submitted by the party entitled to that position subsequent to the unaffiliated appointment.
  - 1. If no names have been submitted since the unaffiliated appointment was made, the clerk may fill the vacancy with another unaffiliated inspector.

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## **FAQs: Appointment of Election Inspectors from Party Lists Updated November 10, 2015**

In response to recent questions received by the Government Accountability Board related to the nomination and appointment of election inspectors, Board staff has compiled the following questions and responses. The FAQ's refer to the guidance contained in the September 15, 2015 clerk communication regarding this topic. If you have any questions or need assistance addressing specific circumstances involving the appointment process, please contact the G.A.B. Help Desk at (608) 261-2028, or [gabhhelpdesk@wi.gov](mailto:gabhhelpdesk@wi.gov). Thank you.

**Q: The clerk memo dated September 15, 2015 states that the current list of election inspectors is subject to open records law. Is there a specific form or format in which the request for the list is made that will improve the probability of compliance?**

A: The public records law does not mandate the use of any specific form when a request is made. If a municipal clerk does not comply with a request for the list of current election inspectors, the requestor may contact the Government Accountability Board office or seek compliance under the public records law.

**Q: Is it reasonable to expect the information of current election inspectors provided by clerks to be complete? Such as containing contact information and including all names, whether they are political party appointees or not?**

A: If you request the names of all current election inspectors, you should get the names of everyone who was appointed an inspector in December 2013 or subsequently, whether or not they were political appointees. The public records law states that a public authority shall not provide access to information concerning the home address, email address, or home telephone number of an employee unless the employee authorizes release of such information, so it is possible the list may not contain that contact information.

**Q: How should political party nominees for special voting deputies and absentee ballot canvassers be submitted in order to have them included in the appointments?**

A: These lists should be separate from the list of inspectors. Or, if one list is submitted, it should identify the nominees under the categories for which they are being nominated. The submission process is the same. Nominees for the board of absentee ballot canvassers must be qualified electors of the municipality but nominees for SVDs may reside in the same county. The party whose candidate for governor or president prevailed at the last general election in the municipality is entitled to the extra canvasser. Wis. Stat. § 7.52(1)(b).

**Q: How will party balance for Election Day special registration deputies who also handle ballots and for specialized poll workers who exclusively process absent ballots at polling sites be handled?**

A: Election-day SRDs have one job, which is to register voters. However, the SRD could also be appointed as an alternate inspector (provided the municipality has an ordinance that allows for alternates) who would take over when another inspector takes a break. During that time, he or she is no longer serving as an SRD. When the absent inspector returns, the alternate inspector resumes the duties of the SRD.

“Specialized Poll workers” are simply election inspectors who have been assigned to a particular duty. They are part of the odd number of inspectors assigned to the polling place. Whenever a task is required to be conducted by more than 1 inspector, party imbalance must be considered. If there are 7 polling workers (example: 4 Republicans and 3 Democrats) and 1 Republican and 1 Democrat process absentee ballots, 1 Republican and 1 Democrat handle the poll lists, that leaves 2 Republicans and 1 Democrat to issue ballots, monitor the voting equipment and register voters—tasks that do not require more than 1 person.

**Q: With nominees allowed to come from the county of residency, can the same person be nominated on multiple municipal lists?**

A: Yes, and one person can be appointed by more than one municipality. The party representative submitting the list must certify on the list that they have contacted each nominee and that each nominee has agreed to serve as an election official. This means that the nominee must agree to have their name submitted to multiple municipalities.

**Q: Can SVDs and absentee ballot canvassers be nominated from the county of residence as well?**

A: Nominees for a Board of Absentee Ballot Canvassers (BOABC) must be qualified electors of the municipality. Special voting deputies may reside in the same county.

**Q: Since the political parties are allowed to add names to their original lists at any time, will the supplemented names to the original list of nominees be given priority in making assignments for the remaining vacant designated party positions, or for any vacant position, regardless of party affiliation?**

A: Whether an inspector position is considered Republican, Democratic or Unaffiliated is determined at the December meeting of the governing body when appointments are made. If there are insufficient names on the list received on November 30<sup>th</sup> to fill the number of positions to which the party is entitled, the remaining positions are filled by unaffiliated inspectors.

If there is a vacancy in a position that had been filled by a party appointee, the position is filled from any additional names the party may have submitted after November 30<sup>th</sup>. A vacancy in a position that was filled with an unaffiliated inspector due to a lack of names on the original should be filled from the list of additional names submitted by the party, if that will maintain the partisan imbalance. Supplemental lists submitted prior to Nov.

30th are treated as part of the original list of nominees. Names submitted after that date are only used to fill vacancies.

**Q: What is the procedure when submitting additional names to a party's original list? To who is the list submitted?**

A: To the same authority to which the original list was submitted. See the chart posted at <http://www.gab.wi.gov/node/3705> . The G.A.B. also advises that a copy of the list should be provided to the municipal clerk or Municipal Board of Election Commissioners.

**Q: Is there a difference in procedure when a political party supplements its list before vs. after the initial appointment by the municipal governing body in December?**

A: Supplemental lists submitted prior to Nov. 30th are treated as part of the original list of nominees. Names submitted after that date are only used to fill vacancies.

**Q: If some positions remain vacant after the initial appointment by the municipal governing body, will the supplemented names to the political party lists receive priority for assignment by the clerk?**

If by "vacant" you mean that the governing body had insufficient names from the party and also had insufficient unaffiliated people to fill the positions so that there is nobody in the position, then the answer is "Yes."

If you mean that due to lack of names on the party list, unaffiliated inspectors were appointed to the positions which then became vacant, the answer is also "yes," if it is a position to which the party was entitled. The position should be filled from the names on the supplemental list.

**Q: If all the names on a political party list are to be assigned to positions, what impact does the designation of "first choice nominee" have on the process?**

A: If there are 5 positions to which a party is entitled and the party submits 10 names, the governing body can choose whichever 5 they wish from the list. If first-choice nominees are indicated, the governing body must select those names first.

**Q: If there are more names on a list than "positions available" and the clerk has permission through an ordinance to establish different working hours for different officials, does the clerk have the authority to arbitrarily divide an election official position between all the nominees/appointees from a party list, giving each person "a shift" to work, sometimes for only 1 -2 hours during election day?**

A: The intent of the law that provides for shifts of election inspectors is intended to lessen the hours the inspectors must work, not to give everyone whose name was submitted a chance to work. Most ordinances specify the duration and time of each shift. If shifts are used, each shift should reflect the proper party imbalance if inspectors from each party are available.

**Q: In the letters to the political parties and in the statutes, it states that appointment without regard to party affiliation may be made if not enough names were submitted by the political parties, but the clerk memo states “all appointments are made without regard to party affiliation”. Which is correct?**

A: The statements were intended to be synonymous, in that an appointment made without regard to party affiliation may or may not result in an appointee with a party affiliation. The more clear phrase is that appointments to fill vacancies “may be made without regard to party affiliation.” A vacancy caused by lack of names on the list submitted by November 30<sup>th</sup> should be filled with a name that was added later, if the party is entitled to the position.

**Q: Is there any difference in the process when nominating election officials to municipalities located on Native American Reservations?**

A: No.

**Q: It has been reported that some municipal clerks plan to have training sessions this fall, before election inspectors have been appointed to their positions. How can this happen?**

A: Municipal clerks may conduct training at any time. The current inspectors’ terms don’t end until December 31<sup>st</sup>. However, the governing body or clerk cannot use non-attendance at a training held before appointment as a reason to not appoint a political party nominee.

**Q: With inspectors being nominated from the county of residence, is there reciprocity in training between municipalities?**

A: A municipal clerk can choose to accept training attended by an inspector while serving in another municipality.

**Q: May a municipality require election inspector nominees and applicants to complete an application and pass a background check?**

A: Yes, election inspectors are considered employees of the municipality and the municipality may request information necessary to employ the individual, confirm that the individual is qualified to serve as an election inspector, and determine the best polling place assignment and responsibilities.

In addition to the qualifications described in Wis. Stat. s. 7.30(2), an individual may not serve as an election inspector if he or she has been convicted of a felony unless a pardon has been issued, even if the criminal sentence and supervision have been completed. In addition, Wisconsin employment law permits employers to consider arrest and conviction records in hiring decisions if the circumstances of a pending criminal charge or of a conviction for a felony, misdemeanor or other offense substantially relate to the circumstances of the particular job.

If an application is used, it may also request basic information about the individual's experience with elections and skills such as speaking a second language. These inquiries may not be relevant to whether the individual is appointed as an inspector, but may be helpful in identifying candidates for chief inspector positions or other responsibilities. However, the application process should not be unnecessarily rigorous or complicated so as to discourage qualified individuals from applying to be election inspectors or to avoid the appointment of qualified individuals who are nominated by the political parties.

Because of deadlines related to the inspector nomination and appointment process, it may not be possible to obtain and review completed applications for all nominees before the governing body makes its appointments. The clerk may either advise the governing body of any nominee whose application or background check requires nonappointment, or the governing body may make its appointments contingent upon successful completion of any required application and background check.

**Q: What is the procedure for addressing problems that may arise during this process?**

A: Document any problems encountered and contact the G.A.B. Help Desk at (608) 261-2028 or [GABHelpDesk@wi.gov](mailto:GABHelpDesk@wi.gov).

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Director and General Counsel

## MEMORANDUM

**DATE:** November 19, 2015

**TO:** Wisconsin County Clerks  
Wisconsin Municipal Clerks  
Milwaukee County Election Commission  
City of Milwaukee Election Commission

**FROM:** Michael Haas  
Elections Division Administrator

**SUBJECT:** Deadline for Notification of Noncandidacy

As we prepare for the circulation of nomination papers by candidates for the 2016 Spring Election, the G.A.B. has received several inquiries regarding the deadline for incumbents to file a Notification of Noncandidacy (GAB-163) in time to avoid extending the deadline for other candidates to file nomination papers. This year, the deadline falls on December 25, 2015. Because that date is a holiday recognized in Wisconsin Statutes, the filing deadline is extended to 5 p.m. on Monday, December 28, 2015, which is reflected in the Election Calendar which we recently posted.

Wis. Stat. §8.10(2)(a) provides that if an incumbent fails to file nomination papers and a declaration of candidacy by the filing deadline for the Spring Election, all other candidates for that office receive a 72-hour extension of the filing deadline. That section states:

No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the [filing deadline], that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office. . . .

Wis. Stat. §120.06(6)(b)3 contains similar language specifically pertaining to candidates for school board. We understand that some school district offices may be closed on December 28, 2015, but neither Section 8.10(2) nor Section 120.06(6) provides an exemption from or an additional postponement for the deadline to file a Notification of Noncandidacy when the office of a filing officer is closed on a day that is not recognized as a state holiday. Therefore, local filing officers, including school district clerks, or their designees, must be available to receive the Notification form until 5:00 p.m. on Monday, December 28, 2015.

Please note that the filing officer must receive an incumbent's Notification of Noncandidacy by December 28, 2015 in order to avoid extending the nomination paper filing deadline by 72 hours. However, pursuant to Section GAB 6.04, Wis. Adm. Code, the Notification of Noncandidacy may be filed by fax or email provided that the original document is either received by the filing officer or postmarked by the filing deadline, December 28, 2015. The G.A.B. recommends that filing officers reach out to all incumbent office holders early in an effort to avoid potential filing issues during the holiday season. Incumbents can file the Notification at any time prior to the deadline.

If you have any further questions regarding the above information or other issues that arise, please contact the G.A.B. Help Desk at (608) 261-2028, or [gabhhelpdesk@wi.gov](mailto:gabhhelpdesk@wi.gov).



**FOR OFFICE USE ONLY**

## NOTIFICATION OF NONCANDIDACY

I, \_\_\_\_\_, state that I am currently the  
(please print name)

incumbent officeholder for the office listed below.

I will not be a candidate for this office at the next election. I understand that the timely receipt\* of this notice will avoid an extension of the deadline for filing ballot access documents.

**TITLE OF OFFICE:** \_\_\_\_\_  
(print current office, including district #, if any)

**NEXT ELECTION DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE OF SIGNING:** \_\_\_\_\_

*\*Notification must be received by the proper filing officer no later than 5:00 p.m. on the 2nd Friday preceding the deadline for filing ballot access documents to avoid an extension of time for filing such papers.*

The information on this form is filed in accordance with §§.8.05(1)(j), 8.10(2)(a), 8.15(1), 8.20(8)(a), 120.06(6)(b), Wis. Stats. This form is prescribed by the Government Accountability Board, 212 East Washington Avenue, 3<sup>rd</sup> Floor, P.O. Box 7984, Madison, WI 53707-7984, (608) 266-8005, FAX (608)267-0500, <http://gab.wi.gov> Email: gab@wi.gov.

**PROOF OF RESIDENCE**

VS.

**PROOF OF IDENTIFICATION**

<b>Proof of Residence</b> (Registration)	<b>Standards</b>	<b>Proof of I.D.</b> (issuing a ballot)	<b>Standards</b>
<b>State of WI Driver License</b>	- Valid and unexpired	<b>State of WI Driver License</b>	- May be revoked or suspended - Unexpired or expired after 11/4/2014
<b>State of WI Identification Card</b>	- Unexpired	<b>State of WI Identification Card</b>	- Unexpired, or expired after 11/4/2014
<b>Identification card issued by WI governmental body or unit.</b>	- Valid on date of registration*	<b>Military ID card issued by a U.S. uniformed service</b>	- Unexpired, or expired after 11/4/2014
<b>Identification card issued by employer (not a business card)</b>	- Valid on date of registration* - Photo required	<b>U.S. Passport booklet or card</b>	- Unexpired, or expired after 11/4/2014
<b>Real estate tax bill or receipt</b>	- For current year or year preceding date of the election.	<b>Certificate of Naturalization</b>	- Unexpired - issued not earlier than 2 years before election
<b>University, college or tech college ID</b>	- Photo required - Address not required on I.D. - Plus fee receipt with address dated within last 9 months	<b>Driving Receipt</b>	- Unexpired - Valid for 45 days
<b>University, college or tech college ID</b>	- Photo required - Address not required - Plus name appears on certified housing list which indicates citizenship	<b>I.D Card Receipt</b>	- Unexpired - Valid for 45 days
<b>Utility bill (gas, electric, phone, cell phone, cable TV, satellite, internet)</b>	- For period that starts no earlier than 90 days before registration	<b>University or college ID</b>	- Unexpired - Date of issuance - Signature of student - Photo required - Expiration date no later than 2 years after issuance date - Plus document that proves enrollment
<b>Bank or credit union statement</b>	- None	<b>Citation or Notice to Revoke or Suspend WI Driver License</b>	- Unexpired - Dated within 60 days of the election
<b>Paycheck or stub</b>	- None	<b>I.D. card issued by federally recognized WI tribe</b>	- Expired or unexpired
<b>Check or other document issued by a unit of government</b>	- Valid on date of registration*		
<b>Residential Lease</b>	- Effective on date of registration* - Cannot be used as POR when registering by mail.		

\*Identifying documents which are valid for use during a specified period must be valid on the day an elector registers. Wis. Stat. 6.34(3)(c).