

El. Bd. Op. 75-1 (Reaffirmed 11/11/08)

Summary:

Votes cast for an independent candidate cannot be considered to have been cast for a political party for purposes of applying §7.30, Stats. (Issued to Eldon L. Hoel, January 8, 1975)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on November 11, 2008.

Opinion:

You have requested the board's opinion whether the Socialist Party is entitled to have election officials chosen from among its members as one of the two political parties which received the largest number of votes for governor in ten wards in the city of Madison in the last general election.

Section 7.30 (2)(a), Stats., states: ". . . All officials shall be affiliated with one of the 2 political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward at the last election . . ."

Votes cast for independent candidates are not cast for candidates of any political party within the meaning of §7.30, Stats., and such votes cannot be considered in applying the rules of that section. 12 OAG 146 (1923).

Since Mr. William O. Hart ran as an independent candidate for governor, any votes he received cannot be considered to have been cast for the "Socialist Party" but rather for Mr. Hart.

The "Socialist Party" cannot be considered to be one of the two political parties which received the largest number of votes for governor in the ten city of Madison wards in the last general election.

Therefore, it is not entitled to have election officials chosen from among its members.