



Wisconsin Elections Commission

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MEMORANDUM

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

FROM: Meagan Wolfe
Administrator

Richard Rydecki
Assistant Administrator

DATE: November 19, 2021

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

Appointment of Election Inspectors

December 31, 2021 marks the end of the current term of Election Inspectors. Unless your current inspectors are reappointed by your governing body, they will no longer be Election Inspectors after the end of this year. At a meeting in December, not later than December 31, 2021, the municipal governing body shall appoint Election Inspectors for a two-year term which begins January 1, 2022 and ends December 31, 2023. Wis. Stats. §§ 7.30(4)(a), 7.30(6).

At the time your governing body makes appointments for the coming term, **all 2020-2021 inspector positions are considered vacant** and available for appointment. There are no automatic carry-overs.

Submission of Inspector Nominee Lists by Political Parties

- No later than November 30, 2021, the two major political parties (generally, the Democratic and Republican parties) whose candidates for governor or president at the last general election received the largest number of votes at an *individual polling place* may submit a certified list of Election Inspector nominees to the municipal governing body. Wis. Stat. §7.30(4)(b), (c).
- Each party may submit names of nominees equal to at least the number of inspectors to which the party is entitled. The party must certify that each nominee has been contacted by the party and has agreed to serve. Wis. Stat. §7.30(4)(b).

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Administrator
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- The position of Election Inspector is an appointed public office. Appointment to the position comes with the expectation that the Election Inspector intends to work every scheduled election conducted during their 2-year term and can be counted on to do so. A nominee who is not willing to make this commitment or expresses a desire to work only a specific election should not be appointed. Making this commitment may require adjusting personal schedules to accommodate availability for each election.
- The party whose candidate received the largest number of votes *at each polling place* is entitled to one more inspector than the party whose candidate received the next largest number of votes at that polling place. Wis. Stat. § 7.30(2)(a).
- 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 3, 2020 general election. Wis. Stat. § 7.30(2)(a).

Example:

- Five election inspectors are to be placed at a polling place. Joseph Biden (Democratic) received the most votes at the polling place at the November 2020 election. Therefore, the Democratic Party is entitled to one more inspector than the Republican Party.
- The Democratic Party has three positions available and the Republican Party has two positions available.

Note: It is possible for the party whose candidate for President received the most votes to differ between polling places in the same municipality.

Qualifications

In addition to being able to read and write the English language and being capable and of good understanding,

- Election Inspectors must be qualified electors of the county in which they serve. Wis. Stat. § 7.30(2)(a).
- 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.

Public Records Requests by Parties

The Democratic and Republican Parties are working to assemble and submit lists of Election Inspector nominees to as many municipalities as possible. You may receive a public 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 the public records law. However, not all information regarding the inspector should be released. The inspector's name, address and party affiliation (if any) must be released in response to an open records request. Email address, phone number or social security number may not be released unless the Election Inspector has specifically authorized release of this information. Wis. Stat. §§ 19.32(1)(bg), 19.36(10)(11).
- Any current inspectors who were appointed from a party list in 2019 must have their party affiliation listed by their name.
- Current inspectors who were *not appointed from party lists* must be indicated by the word "unaffiliated" by their name.
- Providing a list of your current inspectors and their party affiliations (if their names were on a party list in December 2019), if any, may encourage the parties to nominate experienced inspectors.

No inspector on your list should be listed with a party affiliation unless that inspector was appointed from a party-submitted list. Do not insist that inspectors who were not nominated by a party disclose their political party leanings to you.

Delivery/Transmission of Lists

Wis. Stat. § 7.30(4), provides that the lists are to be submitted to the chief elected official (Mayor, Village President, Town Board Chairperson) or the municipal clerk. (In the City of Milwaukee, the lists are to be submitted to the City of Milwaukee Board of Election Commissioners.)

- We recommend that the lists be submitted to both the head of the governing body and the municipal clerk in order to facilitate this process. If the head of the governing body has not received the list, the clerk is required to immediately forward a copy of the list to the elected official. Wis. Stat. § 7.30(4)(b)2.a.,b
- Letters have been sent to the Democratic and Republican state parties reminding them of the local parties' responsibility to submit lists of poll worker nominees. Copies of the letters accompany this correspondence.

The statutory deadline for submission of lists by the Parties is Tuesday, November 30, 2021.

- Lists of inspector nominees may be submitted by mail or other delivery service, personal delivery or electronically (by fax or email) no later than close of business on the deadline. Wis. Stat. § 7.30(4)(c).
- 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 deadline. Wis. Adm. Code EL § 6.04.

Appointments Must be Made from the Lists

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. Wis. Stat. § 7.30(4)(c).
- Current inspectors may be reappointed if their name appears on a party list, the party list is insufficient, or no party list is received. A reserve pool of inspectors may be appointed by the governing body in the event of vacancies.
- 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 designate individuals as “first-choice” nominees, who must be appointed if they qualify and so long as positions are available. Wis. Stat. §7.30(4)(b)2.c.
- 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 WEC authorize non-appointment, and may not decline to appoint such individual until receiving the WEC’s authorization. Wis. Stat. §7.30(4)(e).

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 may be filled without regard to party affiliation (unaffiliated inspectors). Wis. Stat. §7.30(4)(c).

Example:

Seven inspectors are to be placed at a polling place. Donald Trump (Republican) received the most votes at the polling place in November 2020. Therefore, the Republican Party is entitled to one more inspector than the Democratic Party.

- If sufficient lists from both parties are submitted, four names would be appointed from the Republican list and three names would be appointed from the Democratic list.
- If there are only *three* names on the Republican list and no Democratic list was submitted, the governing body appoints the three Republican names. 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 Democratic Party submitted a list with two names in addition to the Republican Party list containing three names, 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 (unaffiliated).
- While qualified electors of the county may be nominated and appointed, qualified electors of the municipality are to be given preference when the governing body appoints without regard to party affiliation. Wis. Stat. §7.30(4)(c).
- Municipalities may require appointed individuals to comply with standard personnel policies and requirements, such as the submission of contact information and documents necessary to process compensation. If you are unsure whether such a requirement adds an impermissible qualification for nominated individuals, you may seek guidance from WEC staff.

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