
2016 GAB 01
ELECTIONS – POLL WORKERS

You are a City Attorney. You have asked us whether an elected official of a city may serve as a city poll worker. There are several considerations that must be taken into account in answering this question, but the Board is of the opinion that the answer is "no." The considerations that lead to this answer are as follows:

1. As a general matter, appointment of poll workers is invested in the city council. Wis. Stat. § 66.0501(2) provides "Except as expressly authorized by statute, no member of a town, village or county board, or city council, during the term for which the member is elected, is eligible for any office or position . . . the selection to which is *vested* in, the board or council, but the member is eligible for any elective office." We understand this to mean a member of a city council may not serve as a poll worker because the selection of poll workers is vested in the city council. This statute does not apply to the Mayor.
2. Wis. Stat. § 7.30 (2)(a) provides that individuals selected to be election officials "may not be a candidate for any office to be voted for at an election at which they serve." We have always interpreted this prohibition to apply even if an individual is a candidate on the ballot at a different polling location because the individual is still a candidate to be voted for at the election.
3. Under the compatibility of office doctrine, the general rule is that an individual may not hold two public offices or an office and a position within the same unit of government where one post is superior to the other. *Otradovec v. City of Green Bay*, 118 Wis.2d 293 (Ct. App. 1984). *Otradovec* concerned a member of the Green Bay city council who was also a full-time employee of the city. A poll worker, of course, is not a full-time employee, so only a court can decide if the doctrine should apply in the case you have presented. But we note that Wis. Stat. § 66.0501(4) specifically provides that certain local part-time positions are deemed compatible with holding elective office. The omission of other positions suggests that those positions are incompatible. Poll worker is not one of the named positions. Thus, we believe it is problematic that an elected official of the city could also serve as a poll worker.