

**Testimony of Michael Haas
Interim Administrator
Wisconsin Elections Commission**

**Assembly Committee on Campaigns and Elections
April 18, 2017**

**Room 300 Northeast, State Capitol
Public Hearing**

Assembly Bill 85

Chairperson Bernier and Committee Members:

Thank you for the opportunity to provide testimony on Assembly Bill 85. The Wisconsin Elections Commission has not taken a position on this bill and I am testifying for information purposes only in my capacity as the Commission's Interim Administrator.

As you know, this bill would clarify that local elected officials may serve as election officials, including as election inspectors at the polls, and except for local officials in first class cities. Municipal clerks commonly relied on local elected officials to work at the polls until the Government Accountability Board issued a formal advisory opinion last year, in response to an inquiry from a municipal attorney. I have attached a copy of that advisory opinion.

While the election laws were silent regarding the ability of most elected officials to serve as election inspectors, the request for an advisory opinion required the G.A.B. to more closely analyze other legal restrictions, including provisions of Chapter 66, as well as the compatibility of office doctrine. That doctrine has been established by the courts, and provides that, in general, an individual may not hold two public offices or a public office, and a position within the same unit of government where one post is superior to the other, at least in the case of full-time employees of the municipality.

Election inspectors are appointed by municipal governing bodies for two-year terms. The G.A.B. concluded that the compatibility of office doctrine most likely prohibited a local elected official from serving as an election inspector because the elected office (alderperson, village board trustee, town board supervisor) is superior to the position of election inspector and the elected official may set the compensation rate of election inspectors. Enactment of AB 85 would clarify that the compatibility of office doctrine does not prevent local elected officials from serving as part-time election inspectors.

While the Elections Commission has not taken a position regarding AB 85, we are aware that many municipal clerks relied on local elected officials to serve as election inspectors prior to the G.A.B. issuing its advisory opinion. Clerks often relied on elected officials to help address a shortage of election inspectors, and would likely welcome the clarification provided by AB 85.

I would note that AB 85 would keep in place the current prohibition on election inspectors holding any other public office in the City of Milwaukee. It would also keep in place the prohibition on any elected official working as an election inspector if that individual is on the ballot.

Thank you for the opportunity to share our thoughts with you. As always, we would be glad to answer questions and work with you to address any questions or issues related to the bill.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael Haas". The signature is written in a cursive, slightly slanted style.

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