

NZ:tlu

04/28/2005

1       **AN ACT** *to amend* 7.60 (2) of the statutes; **relating to:** the county clerk serving on the  
2       board of canvassers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, the county board of canvassers is composed of the clerk and 2 appointed members. No person may serve on the board if he or she is a candidate at an election to be canvassed. This draft would allow the clerk to continue to serve on the board if the clerk is a candidate as long as he or she is unopposed, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

The draft has an effective date of January 1, 2006.

3       **SECTION 1.** 7.60 (2) of the statutes is amended to read:

4       **7.60 (2) COUNTY BOARD OF CANVASSERS.** The county clerk and 2 qualified electors of  
5       the county appointed by the clerk constitute the county board of canvassers. The members  
6       of the board of canvassers shall serve for 2-year terms commencing on January 1 of each  
7       odd-numbered year, except that any member who is appointed to fill a permanent vacancy  
8       shall serve for the unexpired term of the original appointee. One member of the board of  
9       canvassers shall belong to a political party other than the clerk's. The county clerk shall  
10      designate a deputy clerk who shall perform the clerk's duties as a member of the board of  
11      canvassers in the event that the county clerk's office is vacant, or the clerk cannot perform his  
12      or her duties, ~~or the clerk is a candidate at an election being canvassed.~~ If the county clerk and  
13      designated deputy clerk are both unable to perform their duties, the county executive or, if  
14      there is no county executive, the chairperson of the county board of supervisors shall designate

1 another qualified elector of the county to perform the clerk's duties. If a member other than  
2 the clerk cannot perform his or her duties, the clerk shall appoint another member to serve.  
3 ~~No~~ Except as otherwise provided in this subsection, no person may serve on the county board  
4 of canvassers if the person is a candidate for an office to be canvassed by that board. If the  
5 clerk is a candidate at an election being canvassed, the clerk may perform his or her duties on  
6 the board only if the clerk is unopposed, or, in the case of a recount, if the office the clerk is  
7 seeking is not a subject of the recount. If lists of candidates for the county board of canvassers  
8 are submitted to the county clerk by political party county committees, the lists shall consist  
9 of at least 3 names and the clerk shall choose the board members from the lists. Where there  
10 is a county board of election commissioners, it shall serve as the board of canvassers. If the  
11 county board of election commissioners serves as the board of canvassers, the executive  
12 director of the county board of election commissioners shall serve as a member of the board  
13 of canvassers to fill a temporary vacancy on that board.

**NOTE:** This SECTION allows the clerk to continue to serve on the board if the clerk is a candidate as long as he or she is unopposed, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

**COMMENT:** The statute is drafted broadly so that the clerk is not allowed to participate if he or she is a candidate, regardless of what office the clerk is seeking. The exemption is drafted the same way. Is that the committee's intent?

14 **SECTION 2. Effective date.** This act takes effect on January 1, 2006.

15 (END)