

Wisconsin Election Officials: Rules and Constraints

In Wisconsin, election officials (the state’s legal term for poll workers) play an essential role in administering elections. They perform duties ranging from registering and assisting voters to securing voting equipment and tabulating results. In recent years, Wisconsin — like other states across the country — has worked diligently to [recruit](#) election officials despite shortages. For elections to function well, it is critical that government officials appoint enough qualified individuals from both political parties to serve as election officials. It is equally critical, however, that these officials perform their duties impartially, follow the law, and do not disrupt or interfere with voting and election administration.

Recent media [reports](#) indicate that individuals who subscribe to falsehoods about election processes are being recruited as poll workers in several battleground states, including Wisconsin. To be clear, state and local government officials cannot exclude poll workers based solely on their political beliefs. It is equally clear, however, that they can take reasonable steps to ensure that prospective poll workers are willing to and do, in fact, follow the law on Election Day.

Wisconsin, like other states, already has many guardrails in place to prevent those who seek to undermine elections from qualifying as election officials and disrupting election processes. These guardrails are detailed below, along with further actions that government officials can take to prevent disruptions on Election Day.

Legal Constraints on Election Officials

Eligibility

All applicants, including political party nominees, must go through the appointment process. Several types of election officials, detailed below, administer Wisconsin elections: chief election inspectors, election inspectors, greeters, tabulators, election registration officials, and special voting deputies.¹ Each type of election official must be appointed for a two-year term² — and no later than December of odd-numbered years — through the designated statutory process.³ Appointments for the 2022 cycle should have been made in December 2021. The appointment process works as follows:

- Wisconsin law requires a municipality’s governing body⁴ to appoint **election inspectors** (who staff polling places) from lists of nominees presented by the two dominant political parties.⁵ The governing body generally must appoint each party’s first-choice nominee provided they meet the eligibility requirements described below, although it may request an exception from the Wisconsin Elections Commission (“WEC”) if there is “good cause” to not appoint that individual.⁶ The governing body may appoint the other listed nominees at its discretion until all positions are filled.⁷ If the parties do not submit

nomination lists by November 30 of the year in which appointments are made, the municipality's mayor, president, or chairperson may nominate eligible individuals for the governing body to appoint without regard to party affiliation.⁸ In practice, most municipalities do not receive nomination lists from political parties.

- The municipal clerk⁹ — the local official charged with supervising a municipality's elections and voter registration processes — designates one election inspector as the **chief election inspector** to be in charge of the polling place and act as a liaison between the other inspectors and the municipal clerk.¹⁰
- Each municipality may appoint one additional election inspector as a **greeter** (to welcome voters and assist them in opening the doors) without regard to party affiliation.¹¹
- The municipal clerk also may appoint **election registration officials** (to conduct voter registration prior to and on Election Day) and **tabulators** (to aid inspectors in counting and tallying votes) without regard to party affiliation.¹²
- Like election inspectors, the two dominant political parties may nominate **special voting deputies** (who carry out absentee voting at certain care facilities) for the municipal clerk to appoint.¹³ If no nominations are submitted, the municipal clerk may appoint eligible individuals without regard to party affiliation.¹⁴

Applicants must meet certain eligibility requirements under Wisconsin law. Wisconsin law requires that all election officials be qualified voters of the county served by the polling place in which they work, subject to certain exceptions in the event a municipal clerk must appoint a substitute official to fill a vacancy.¹⁵ Election officials also must be able to read and write English, "be capable" and of "good understanding," and may not be a candidate for any office to be voted on at the polling place.¹⁶ According to the WEC, election inspectors also should not serve in any election in which their spouse or immediate family is a candidate on the ballot or in which a candidate's success or failure to win would affect the inspector financially.¹⁷ Sixteen and seventeen-year-old high school students may serve as election inspectors (but not chief election inspectors) provided they obtain parental or guardian approval and meet certain GPA requirements.¹⁸

Election inspectors and special voting deputies must be appointed to ensure bipartisan representation. Wisconsin law provides specific party affiliation requirements to ensure bipartisan representation in the election workforce. Polling places generally must have seven inspectors, split among the two dominant political parties. The party that received the most votes in the previous presidential or gubernatorial election receives four inspectors, while the other party receives three.¹⁹ Election inspector vacancies must be filled by an inspector of the appropriate party.²⁰ When a municipal clerk appoints special voting deputies to carry out absentee voting at certain care facilities, they similarly must appoint at least two individuals (one from each dominant political party) whenever possible.²¹

Election officials must complete training requirements. Wisconsin law requires that municipal clerks ensure election inspectors (including greeters), election registration officials, and special voting deputies attend at least one training program every two years.²² In practice, many municipal clerks provide at least two hours of training. No individual may serve in one of these positions without completing the training, although certain exceptions exist for emergency vacancies.²³ While no specific training curriculum exists, municipal clerks should, at a minimum, ensure that election officials are trained on the duties detailed in the WEC Election Day Manual.²⁴ The WEC also offers an online self-directed course for high school students serving as election inspectors.²⁵ Unlike other election officials, chief election inspectors must complete a three-hour training course offered by the WEC, as well as an additional four hours of WEC-approved election training.²⁶ Chief election inspectors can request certification from the WEC only after completing this training requirement; no chief inspector may serve without a certificate, and each certificate must be renewed every two years.²⁷

Election officials must be willing to follow applicable laws and procedures. Within fifteen days of appointment, all election officials must sign and file an oath of office with the municipal clerk.²⁸ The oath requires each election official to swear that they “will support the constitution of the United States and the constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of [their] ability.”²⁹ Pursuant to this oath, the municipal clerk or board of election commissioners may remove officials who refuse to sign the oath or demonstrate an unwillingness to comply.³⁰ They cannot, however, turn away applicants solely on the basis of their viewpoints or beliefs so long as they are consistent with laws governing elections.³¹

Chain of Command

All election officials must answer to their municipal governing body and clerk. Under Wisconsin law, municipal clerks supervise and are responsible for all election activities within their municipality, including the training and performance of election officials.³² Municipalities pay and appoint (either through the governing body or clerk, as detailed above) election officials, and municipal clerks can summarily remove election officials for not satisfying the qualifications described above, failing to attend training sessions, neglecting their official duties, or otherwise engaging in misconduct.³³ Accordingly, election officials must answer only to their municipal governing body and clerk (or, in practice, delegates in the clerk’s office) rather than to their political party or any party official.

Each election official is tasked with specific duties to create a clear chain of command structure. These duties include:

- **Chief Inspector (1)** – Subject to the supervision of the municipal clerk, the chief inspector directs and assigns tasks to the election inspectors and serves as a liaison between election inspectors and the municipal clerk.³⁴
- **Election Inspectors (7)** – Inspectors’ duties include, but are not limited to, setting up the polling place, registering and recording voters, issuing ballots, monitoring voting equipment, counting votes, and properly completing required forms.³⁵ They also may

preserve order by, for example, permitting only one person in a voting booth at a time, preventing any person from taking notice of how another person has voted, and preventing electioneering.³⁶ A municipality's governing body may reduce the number of election inspectors from fewer to or greater than seven in certain instances.³⁷ In practice, using at least nine inspectors provides for a well-ordered Election Day.

- **Greeter (1)** – Greeters welcome voters to the polling place and assist them in opening the doors if needed.³⁸ Greeters also answer questions about the polling place and direct voters to the proper locations for registration and voting.³⁹ Greeters may, if necessary, serve as a substitute election inspector provided they meet the eligibility requirements detailed above, but may not perform the duties of an inspector while working as a greeter.⁴⁰
- **Tabulators (varies)** – Tabulators aid election inspectors in counting and tallying votes at the end of the night.⁴¹ They assist and answer to election inspectors after the polls close.⁴²
- **Election Registration Officials (varies)** – Election registration officials perform registration duties on Election Day and may ease election inspectors' workload at high-turnout elections.⁴³ If a registration official fills in for an election inspector, they must also be appointed as an election inspector.⁴⁴
- **Special Voting Deputies (at least 2)** – Special voting deputies conduct absentee voting at designated care facilities and retirement homes.⁴⁵ They also may register voters during the open registration period provided they are also appointed and trained as election registration officials.⁴⁶

Following Applicable Laws

Election officials are further constrained by their duty to follow applicable local, state, and federal laws.⁴⁷ Failure to do so may violate their oath of office, warrant discharge by the municipal clerk, and subject them to civil and criminal liability.⁴⁸

Election officials may not intimidate or harass voters. Federal and state laws prohibit actual or attempted intimidation, threats, or coercion against a voter for the purpose of interfering with the right to vote.⁴⁹ Violators are subject to significant civil and criminal liability.⁵⁰ Examples of prohibited intimidation include, but are not limited to, verbal threats of violence, confronting voters while wearing military-style or official-looking uniforms, disrupting voting lines or blocking entrances, directly and aggressively challenging voters' qualifications, and appearing to patrol or police the voting line while armed.⁵¹

Election officials may not disrupt elections through disinformation or otherwise attempt to influence voters. In addition to prohibiting voter intimidation, Wisconsin law prohibits election officials from engaging in any activity "intended to influence voting at an election" on Election Day.⁵² This prohibition includes, but is not limited to, distributing "election-related material" (e.g., any written material that describes, or claims to describe, voters' rights or responsibilities) at or near the entrance to polling locations, as doing so may "mislead and confuse" voters.⁵³

Wisconsin law further prohibits knowingly making or publishing “a false representation pertaining to a candidate or referendum” with the intent of affecting voting at an election.⁵⁴ Efforts to spread disinformation — including false information about who can vote, how and when they can vote, or other aspects of the election process, such as vote counting and registration list maintenance — may therefore violate these provisions and warrant removal.

Election officials must follow proper procedures when challenging voters. Wisconsin law permits election inspectors to challenge voters only under limited circumstances and with clear constraints. Any challenge must be made “for reasonable cause” and pursuant to several permissible reasons listed on the state’s Challenge Documentation form.⁵⁵ When an election inspector challenges a voter, another election inspector should administer the process to ensure fairness and objectivity.⁵⁶ Election inspectors must document any challenge in a calm and respectful manner; as detailed above, aggressively and directly challenging voters’ qualifications constitutes impermissible voter intimidation.⁵⁷ Sixteen and seventeen-year-old students serving as election inspectors may not challenge voters.⁵⁸

Election inspectors must complete certain tasks in two-person, bipartisan teams. Whenever state law requires two or more inspectors to perform a function within a polling place, Wisconsin law requires the chief inspector to assign, to the extent possible, an equal number of inspectors from each political party so as to limit the access that any one individual has to ballots, voting equipment, and other sensitive materials without oversight.⁵⁹ Tasks that require two or more inspectors include maintaining the poll lists on Election Day and remaking ballots on which an individual has voted for more than the maximum number of selections allowed.⁶⁰

Election officials may not tamper with ballots or voting equipment. Under Wisconsin law, election officials who tamper with voting equipment, ballots, poll lists, or registration lists may face felony charges.⁶¹

Available Enforcement Mechanisms

Wisconsin municipal clerks and governing bodies have broad authority to ensure that elections run smoothly and remain free from disruptions by election officials. Available enforcement mechanisms include:

Screening process. As noted above, municipal governing bodies and clerks retain ultimate control over the appointment process for chief election inspectors and non-party nominated positions.⁶² And while municipal governing bodies generally must appoint political parties’ first-choice nominees as election inspectors, they may still request non-appointment from the WEC if good cause exists, and they can use discretion in deciding which of the remaining individuals they select as election inspectors from the parties’ nomination lists.⁶³ Consistent with this authority, municipalities may choose to develop clear election official screening plans to ensure that applicants understand their roles and positions within the election official chain of command and are willing to follow all applicable laws and procedures.

Training content. As noted above, state law requires all election officials to complete training before they work an election.⁶⁴ And while election officials must complete this training every

two years, municipal clerks may choose to require additional trainings before every election to ensure that all election officials understand rules and procedures — particularly new rules and procedures — before Election Day. To conserve resources, small municipalities may consider partnering with a neighboring municipality. At trainings, municipal clerks should remind election officials about relevant laws and rules, including their duty to answer to the clerk rather than their political parties, any party official, or any other outside individual or entity. Similarly, clerks should train election officials to identify and report any violations of these procedures. These training sessions provide a helpful opportunity for clerks to clearly explain the checks in place to prevent voter fraud or manipulation of the election process and provide context to correct common rumors and misperceptions.

Assigning election officials. Given the chief election inspector’s role in overseeing the polling place and directing the other inspectors on Election Day, municipal clerks should choose — to the extent possible — to appoint only individuals with substantial previous election official experience and demonstrated knowledge of voting procedures to serve in this role. This selection process may include administering the “Chief Inspector Self-Evaluation” developed by the WEC to gauge comprehension of election administration laws after completing the requisite training program.⁶⁵ Clerks can also aim to track where first-time election officials are placed, distribute first-time election officials evenly across the jurisdiction, and ensure that every polling location has at least one election official with previous experience. Further, clerks may also choose to rotate election officials throughout their shift. Doing so allows election officials to identify situations in which a colleague is not following proper procedure (regardless of their intention), report the incident, and resolve the issue with their chain of command.

Removal procedures. In the event that an election official neglects or refuses to comply with their duties, declines to follow applicable laws, or otherwise disrupts the election process, they can and should be immediately removed.⁶⁶ To ensure that municipalities maintain an adequate number of election officials in the event of a removal, clerks may choose to maintain a list of back up election officials to cover staffing shortages as well as: (1) train and appoint election registration officials as election inspectors in the event they need to fill in; (2) train and appoint special voting deputies as election registration officials to register voters during open registration; and (3) choose to appoint a greeter as an available substitute for election inspectors.⁶⁷

Oath of office. Finally, the oath of office provides a strong legal basis for preventing and addressing abuses by poll workers.⁶⁸

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- ¹ Wis. Stat. §§ 5.02(4e), 7.30; *see also* WIS. ELECTIONS COMM’N, ELECTION DAY MANUAL FOR WISCONSIN ELECTION OFFICIALS (hereinafter “Election Day Manual”), 7 (Sept. 2020), <https://elections.wi.gov/media/13744/download>.
- ² Wis. Stat. § 7.30(6)(a).
- ³ Wis. Stat. § 7.30(4); *see also* *Poll Worker Selection*, WIS. ELECTIONS COMM’N, <https://elections.wi.gov/node/1215> (last visited Sept. 21, 2022).
- ⁴ Wis. Stat. § 5.02(6) (“‘Governing body’ means the common council of a city, board of supervisors of a town or board of trustees of a village.”). The City of Milwaukee utilizes a board of election commissioners that performs all duties typically performed by a municipal clerk. *See* Wis. Stat. §§ 7.20(1), 7.21.
- ⁵ Wis. Stat. § 7.30(4); *see also* Election Day Manual, *supra* note 1, at 9. In practice, parties often deliver the lists to staff at the WEC.
- ⁶ Wis. Stat. § 7.30(4)(e).
- ⁷ Wis. Stat. § 7.30(4)(b)2.c.
- ⁸ Wis. Stat. § 7.30(4)(c). In the City of Milwaukee, the board of election commissioners appoints eligible individuals when no party lists are submitted. *Id.*
- ⁹ Wis. Stat. § 7.15(1); *see also* Election Day Manual, *supra* note 1, at 7. Municipal clerks are elected by the voters or appointed to their positions by the governing body of a given town, village, or city. *Id.*
- ¹⁰ Wis. Stat. §§ 7.30(6)(b), 7.36; *see also* Election Day Manual, *supra* note 1, at 10.
- ¹¹ Wis. Stat. § 7.30(1)(b); *see also* Election Day Manual, *supra* note 1, at 13.
- ¹² Wis. Stat. §§ 6.28(1), 7.30(3); *see also* Election Day Manual, *supra* note 1, at 11, 13.
- ¹³ Wis. Stat. § 6.875(4)(a), (b); *see also* Election Day Manual, *supra* note 1, at 12.
- ¹⁴ *Id.*
- ¹⁵ Wis. Stat. § 7.30(2)(a). Chief election inspectors also must be a qualified voter of the municipality in which they serve. *Id.* There is no residency requirement for tabulators. *See* Election Day Manual, *supra* note 1, at 13.
- ¹⁶ Wis. Stat. § 7.30(2)(a).
- ¹⁷ WIS. ELECTIONS COMM’N, ELECTION INSPECTOR SERVICE AT ELECTION WHERE A CANDIDATE’S SUCCESS OR FAILURE MAY AFFECT THE INSPECTOR FINANCIALLY (Feb. 4, 2015), <https://elections.wi.gov/memo/election-inspector-service-election-where-candidates-success-or-failure-may-affect-inspector>.
- ¹⁸ Wis. Stat. § 7.30(2)(am).
- ¹⁹ Wis. Stat. § 7.30(1)(a), (2)(a).
- ²⁰ Wis. Stat. § 2(b).
- ²¹ Wis. Stat. § (4)(a).
- ²² Wis. Stat. § 7.315(1)(a), (b)1, (4).
- ²³ Wis. Stat. § 7.315(1)(b)1.
- ²⁴ *See* WIS. ELECTIONS COMM’N, POLL WORKER TRAINING REQUIREMENTS: ELECTION INSPECTORS (hereinafter “Poll Worker Training Requirements”), <https://elections.wi.gov/poll-workers-observers/working-polls/poll-worker-training-requirements> (last visited Sept. 22, 2022).
- ²⁵ *Id.*
- ²⁶ Wis. Stat. § 7.31(1); *see also* Poll Worker Training Requirements, *supra* note 24.
- ²⁷ Wis. Stat. § 7.31(3), (4).
- ²⁸ Wis. Stat. § 7.30(5).
- ²⁹ *See* WIS. ELECTIONS COMM’N, OFFICIAL OATH, <https://elections.wi.gov/wec-form/official-oath-el-154> (last visited Sept. 21, 2022); *see also* WIS. ELECTIONS COMM’N, OATH OF SPECIAL VOTING DEPUTY, <https://elections.wi.gov/wec-form/oath-special-voting-deputy-el-155> (last visited Sept. 21, 2022).
- ³⁰ Wis. Stat. § 7.30(c).
- ³¹ *See generally* U.S. CONST. amend. I.
- ³² Wis. Stat. § 7.15(1).
- ³³ Wis. Stat. §§ 7.30(6)(c), 6.875(4)(b); *see also id.* § 7.03(1)(a)-(b).
- ³⁴ Wis. Stat. § 7.36; *see also* Election Day Manual, *supra* note 1, at 10.
- ³⁵ Wis. Stat. § 7.37; *see also* Election Day Manual, *supra* note 1, at 9.
- ³⁶ Wis. Stat. § 7.37(2).
- ³⁷ Wis. Stat. § 7.30(1).
- ³⁸ Wis. Stat. § 7.30(1)(b); *see also* Election Day Manual, *supra* note 1, at 13.

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- ³⁹ *Id.*
- ⁴⁰ *Id.*
- ⁴¹ Wis. Stat. § 7.30(3)(b); *see also* Election Day Manual, *supra* note 1, at 13.
- ⁴² *Id.*
- ⁴³ Wis. Stat. § 6.28(1); *see also* Election Day Manual, *supra* note 1, at 11.
- ⁴⁴ *Id.*
- ⁴⁵ Wis. Stat. § 6.875; *see also* Election Day Manual, *supra* note 1, at 12.
- ⁴⁶ *Id.*
- ⁴⁷ Wis. Stat. § 7.30(5); *see also supra* note 29.
- ⁴⁸ *See generally* Wis. Stat. §§ 5.05, 12.60; *see also* Wis. Stat. § 12.13(2); 6.875(4)(b); 7.30(6)(c).
- ⁴⁹ 52 U.S.C. § 10101(b); 52 U.S.C. § 10307(b); 42 U.S.C. § 1985(3); 18 U.S.C. § 594; Wis. Stat. §§ 12.09, 12.11.
- ⁵⁰ *Id.*; *see also* Wis. Stat. § 12.60(1)(a).
- ⁵¹ *See, e.g.,* WIS. DEP’T OF JUSTICE, HOW TO RECOGNIZE AND REPORT VOTER INTIMIDATION IN WISCONSIN (hereinafter “How to Recognize Voter Intimidation”) (Oct. 29, 2020), <https://www.doj.state.wi.us/news-releases/how-recognize-and-report-voter-intimidation-wisconsin>.
- ⁵² Wis. Stat. § 12.03(1), (4).
- ⁵³ Wis. Stat. § 12.035(1)-(2).
- ⁵⁴ Wis. Stat. § 12.05.
- ⁵⁵ Wis. Stat. §§ 6.92, 6.925, 6.93, 6.935, 6.94, 6.95, 6.96, 6.965, 6.97; *see also* Election Day Manual, *supra* note 1, at 73-75.
- ⁵⁶ Election Day Manual, *supra* note 1, at 74.
- ⁵⁷ *Id.*; *see also* How to Recognize Voter Intimidation, *supra* note 51.
- ⁵⁸ Wis. Stat. § 6.92(2).
- ⁵⁹ Wis. Stat. §§ 7.30(2)(a), 7.37.
- ⁶⁰ Wis. Stat. § 7.37(7); Election Day Manual, *supra* note 1, at 38, 102-03.
- ⁶¹ Wis. Stat. § 12.13(2).
- ⁶² Wis. Stat. §§ 7.30(6)(b), 6.875(4)(a).
- ⁶³ Wis. Stat. §§ 7.30(4)(b), (4)(2)(e).
- ⁶⁴ Wis. Stat. §§ 7.31, 7.315.
- ⁶⁵ Election Day Manual, *supra* note 1, at 11.
- ⁶⁶ Wis. Stat. §§ 7.30(6)(c), 6.875(4)(b).
- ⁶⁷ Election Day Manual, *supra* note 1, at 11-12.
- ⁶⁸ Wis. Stat. § 7.30(5).