

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received: 01/22/2001

Received By: **rmarchan**

Wanted: **Today**

Identical to LRB:

For: **David Travis (608) 266-5340**

By/Representing: **bill**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies: **KMG**

Pre Topic:

No specific pre topic given

Topic:

Time off to work at the polls

Instructions:

See Attached. Amend bill to permit any employee of a governmental unit to take time off from work to work at the polls. Employer may not penalize the employee or deduct from the employee's pay.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 01/22/2001 kuesejt 01/22/2001	gilfokm 01/22/2001	martykr 01/22/2001	_____	lrb docadmin 01/22/2001	lrb docadmin 01/22/2001	

FE Sent For:

<END>

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/?	rmarchan	1-1/KMG /22-01	Xm/22	PG 1 Xm/22			

FE Sent For:

<END>

2001 ASSEMBLY BILL 40

January 19, 2001 - Introduced by COMMITTEE ON CAMPAIGNS AND ELECTIONS.
Referred to Committee on Campaigns and Elections.

1 **AN ACT relating to:** requiring the elections board to make recommendations
2 relating to the training and certification of election officials.

Analysis by the Legislative Reference Bureau

Current law requires the elections board to conduct regular information and training meetings at various locations in the state for county and municipal clerks and other election officials. In addition, each municipal clerk must instruct election officials in their duties. Although current law does not require election officials to be certified, the governing body of any municipality may require all persons serving as election officials in that municipality to prove their ability to read and write English and to have a general knowledge of the election laws. A municipality may administer examinations to determine whether these qualifications are met.

This bill directs the elections board to prepare recommendations with regard to establishing a program for the training and certification of election officials. The elections board must submit the recommendations to the legislature for distribution to the appropriate standing committees of both houses by April 16, 2001.

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

3 **SECTION 1. Nonstatutory provisions.**

4 (1) The elections board shall prepare recommendations with regard to
5 establishing a program for the training and certification of election officials. No later

ASSEMBLY BILL 40

1 than April 16, 2001, the elections board shall submit the recommendations to the
2 chief clerk of each house of the legislature for distribution to the appropriate
3 standing committees of the legislature in the manner provided under section 13.172
4 (3) of the statutes.

5 (END)



1
LRBa0024/3
RJM&JTK *King*
RMR

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 40

DNOTE

plain
and each state agency

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1, line 2: after "officials" insert "and requiring government employers
3 to grant time off for service as an election official to certain employees".

4 ✓ 2. Page 1, line 3: before that line insert:

5 "SECTION 1f. 7.33 (4) of the statutes is amended to read:

6 *local* 7.33 (4) ~~Each state agency~~ *16.97 (7)* Except as otherwise provided in this subsection,
7 each governmental unit, as defined in s. 137.01(3) shall, upon proper application
8 under sub. (3), permit each of its employees to serve as an election official without
9 loss of fringe benefits or seniority privileges earned for scheduled working hours
10 during the period specified in sub. (3), and without loss of pay for scheduled working
11 hours during the period specified in sub. (3) except as provided in sub. (5), and shall
12 not impose any other penalty upon an employee who serves as an election official.

1 For employees who are included in a collective bargaining unit for which a
2 representative is recognized or certified under subch. V of ch. 111, this subsection
3 shall apply unless otherwise provided in a collective bargaining agreement.

4 History: 1977 c. 398; 1979 c. 260 s. 44; Stats. 1979 s. 7.33; 1987 a. 111; 1987 a. 391 ss. 37m, 41g, 41r; 1989 a. 56 s. 259; 1995 a. 27.

SECTION 1h. 7.33 (5) of the statutes is amended to read:

16.97(7)

5 7.33 (5) Any employce of the state ^{local} a governmental unit, as defined in s. ~~137.04~~
6 ~~137.04~~ ^{or state agency} who obtains a paid leave of absence under sub. (4) in order to serve as an election
7 official under s. 7.30 shall certify in writing to the head of the ~~state agency~~
8 ^{local} governmental unit ^{or state agency} by which he or she is employed the amount of compensation that
9 the employee receives for such service. Upon receipt of the certification, the head of
10 the ~~state agency~~ ^{local} governmental unit ^{or state agency} shall deduct that amount from the employee's
11 pay earned for scheduled working hours during the period specified in sub. (2) when
12 the employee is on a paid leave of absence.

13 History: 1977 c. 398; 1979 c. 260 s. 44; Stats. 1979 s. 7.33; 1987 a. 111; 1987 a. 391 ss. 37m, 41g, 41r; 1989 a. 56 s. 259; 1995 a. 27.

SECTION 1u. 111.93 (3) of the statutes is amended to read:

14 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
15 230.35 (2d), 230.35 (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement
16 exists between the employer and a labor organization representing employees in a
17 collective bargaining unit, the provisions of that agreement shall supersede the
18 provisions of civil service and other applicable statutes, as well as rules and policies
19 of the board of regents of the University of Wisconsin System, related to wages, fringe
20 benefits, hours and conditions of employment whether or not the matters contained
21 in those statutes, rules and policies are set forth in the collective bargaining
22 agreement.”.

NOTE: NOTE: Sub. (3) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 1971 c. 270, 336; 1977 c. 196 s. 131; 1981 c. 187; 1983 a. 46, 409; 1985 a. 42; 1989 a. 13, 31; 1999 a. 101, 125; s. 13.93 (2) (c).

23 3. Page 1, line 3: delete "1" and substitute "12".

12

before "The"

1

4. Page 1, line 4: after ~~(1)~~ insert "ELECTIONS BOARD RECOMMENDATIONS."

2

5. Page 2, line 4: after that line insert:

3

② SERVICE AS AN ELECTION OFFICIAL. The treatment of sections 7.33 (4) and (5) and 111.93 (3) *①* of the statutes first applies to employees who are affected by a collective bargaining agreement containing provisions inconsistent with this treatment on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever first occurs." ✓ ✓

4

5

6

7

8

(END)

"Sec. 2m. Initial applicability."

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0024/dn
RJM&JTK: *king*

*Continue to govern
until*

*that contains provisions inconsistent
with this amendment*

Representative Travis:

The attached amendment relates to allowing certain governmental employees time off to work as election officials. Per discussions with your staff, the draft provides that a collective bargaining agreement covering state employees may supersede the requirements of this amendment. If the collective bargaining agreement is silent on the issue, the provisions of this amendment would apply to the covered employees.

A collective bargaining agreement covering ^{local} other governmental employees will need to conform to this amendment once that agreement is modified, renewed, or extended.

In order to avoid a claim that the amendment impairs existing contract rights in violation of article I, section 12, of the Wisconsin Constitution, this amendment does not affect existing collective bargaining agreements.

Please let us know if you have any questions or desire any changes.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0024/1dn
RJM&JTK:kmg:km

January 22, 2001

Representative Travis:

The attached amendment relates to allowing certain governmental employees time off to work as election officials. Per discussions with your staff, the draft provides that a collective bargaining agreement covering state employees may supersede the requirements of this amendment. If the collective bargaining agreement is silent on the issue, the provisions of this amendment would apply to the covered employees.

A collective bargaining agreement covering local governmental employees that contains provisions inconsistent with this amendment will continue to govern until that agreement is modified, renewed, or extended. In order to avoid a claim that the amendment impairs existing contract rights in violation of article I, section 12, of the Wisconsin Constitution, this amendment does not affect existing collective bargaining agreements.

Please let us know if you have any questions or desire any changes.

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