

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AA(LRBa0024/1)-AB40)**

Received: 01/24/2001

Received By: **rmarchan**

Wanted: **Today**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **terri**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Poll workers on leave from local government employment

**Instructions:**

See Attached. Delete requirement and provide grant of authority for local governmental units instead.

**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>
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FE Sent For:

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1?	rmarchan	1 cjs 1/24 of	1/24	1/24	1/24		

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<END>



Wisconsin Speaker Pro Tempore  
Representative Stephen J. Freese

1/23/01

To: Jeff Kuesel  
      Bob Marchant  
Fr: Terri / Rep. Freese

At the suggestion of Legislative  
Council Attorney Bob Conlin —  
Please draft formal amendments  
for the three that I previously  
sent over for inclusion in LRB 2193  
But I need them also drafted to  
the individual bills as noted on the  
form.

\* Also — I need the attached  
amendment drafted to AB 11  
asap. Thanks

LRB-FILE COPY  
(Return to Room 215 North)

ASSEMBLY AMENDMENT \_\_\_\_\_

to Assembly Amendment 1 to AA 1

TO Assembly BILL 40

Offered by \_\_\_\_\_

Amend the amendment as follows:

1. On page 1, line 2, delete "requiring" and substitute "permitting"

2. On page 1, line 7, after "s. 16.97(7)," insert "may,"

(end)

**ASSEMBLY AMENDMENT ,  
TO 2001 ASSEMBLY BILL 40**

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 to certain employees for service as an election official”.

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

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

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

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

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

5 7.33 (5) Any employee of ~~the state~~ a local governmental unit, as defined in s.  
6 16.97 (7), or state agency who obtains a paid leave of absence under sub. (4) in order  
7 to serve as an election official under s. 7.30 shall certify in writing to the head of the  
8 local governmental unit or state agency by which he or she is employed the amount  
9 of compensation that the employee receives for such service. Upon receipt of the  
10 certification, the head of the local governmental unit or state agency shall deduct  
11 that amount from the employee's pay earned for scheduled working hours during the  
12 period specified in sub. (2) when the employee is on a paid leave of absence.

13 **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) (em),  
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.”.

23 **3.** Page 1, line 3: delete “1” and substitute “1z”.

24 **4.** Page 1, line 4: before “The” insert “ELECTIONS BOARD RECOMMENDATIONS.”.





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa00387  
RJM&JTK:/

5 p.m. today

RWVR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY AMENDMENT (LRBa0024/1),

DWOTE

TO 2001 ASSEMBLY BILL 40

cjs

1  
2  
3  
4

At the locations indicated, amend the amendment as follows:

1. Page 1, line 2: delete "requiring" and substitute "permitting".
2. Page 1, line 7: after "s. 16.97 (7)," insert "may."

(END)

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

a0038/1dn  
LRB-2193/1dn  
RJM&JTK:gh:kjf

January 24, 2001

ejs

Representative Freese:

1. The proposed changes to s. 7.33, stats., by this draft expressly permit a local government employer to grant a local government employee time off for service as an election official without loss of pay, fringe benefits, or seniority. Under current law, local government employers are already permitted to do this. However, they must first bargain the matter in good faith with any collective bargaining representative of the affected employees. Current law does not address the issue of whether a local government employee may receive two paychecks for the period that the employee serves as an election official. The effect of this draft, as applied to local government employees, is to relieve local government employers from the requirement to bargain in good faith before implementing the leave policy specified in s. 7.33, stats., and to require a deduction from the regular paychecks of employees in the same amount that the employees receive for service as election officials. Please let us know if this is not in accord with your intent.

2. Please note that, if the use of punch card voting systems is to be eliminated, there are several references in the statutes to the use of these ballots that should be deleted. Thus, to fully effect your intent, it may be necessary to enact a bill that eliminates the use of punch card voting systems rather than to simply allow the elections board to do so under current procedures. If you would like to have a bill drafted to this effect or would like to discuss this issue, please feel free to call.

Robert J. Marchant  
Legislative Attorney  
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E-mail: robert.marchant@legis.state.wi.us

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

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

LRBa0038/1dn  
RJM&JTK:cjs:kjf

January 24, 2001

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