

2001 ASSEMBLY BILL 49

January 25, 2001 – Introduced by COMMITTEE ON CAMPAIGNS AND ELECTIONS.
Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to repeal* 6.78 (1), 6.78 (2) and 6.78 (3); *to renumber and amend* 6.78
2 (intro.); and *to amend* 7.33 (4), 7.33 (5), 67.05 (3) (f), 111.93 (3) and 120.06 (9)
3 (a) of the statutes; **relating to:** polling hours, time off from work for service as
4 an election official, and requiring the elections board to submit
5 recommendations with regard to voter identification and registration and the
6 administration of elections.

Analysis by the Legislative Reference Bureau

Polling hours

This bill makes changes in the laws regarding polling hours and leaves of absence for service as an election official and directs the elections board to submit recommendations to the legislature regarding other matters.

Under current law, the polls at an election in a first, second, or third class city must generally be open from 7 a.m. to 8 p.m. In a village, town, or fourth class city the polls must be open from 9 a.m. to 8 p.m., unless the village, town, or city determines to extend the opening hour to not earlier than 7 a.m. In addition, under current law, certain school district elections are not subject to either of these polling hour requirements. This bill requires the polls at every election to be open from 7 a.m. to 8 p.m. in all municipalities.

ASSEMBLY BILL 49***Leave for service as an election official***

Currently, any public or private employer may grant an employee a leave for service as an election official, or for any other reason, without loss of pay, fringe benefits, or seniority privileges. If an employee is a member of a collective bargaining unit, the employee must first bargain in good faith with any representative of that unit before making a change in leave policy. In addition, state employees are entitled to time off without loss of pay, fringe benefits, or seniority privileges for service as an election official. Currently, when a state employee receives a leave of absence for service as an election official, the amount of the employee's pay for that service is deducted from the employee's regular paycheck for the leave period. This law applies to employees who are members of collective bargaining units to the extent provided in any applicable collective bargaining agreement.

This bill provides that the law entitling state employees to a leave, without loss of pay, fringe benefits, or seniority privileges, for service as an election official and requiring a paycheck deduction for the amount received for that service applies automatically to represented state employees unless otherwise provided in a collective bargaining agreement.

The bill also provides that if a local government employer grants a local government employee a leave of absence for service as an election official, the local government must deduct the amount that the employee receives for that service from the employee's regular paycheck for the leave period. The change applies to both represented and nonrepresented employees irrespective of any applicable collective bargaining agreement. However, the change does not apply to employees who are members of a collective bargaining unit covered by a current collective bargaining agreement until the expiration, extension, modification, or renewal of any collective bargaining agreement containing inconsistent provisions, whichever first occurs.

Elections board recommendations

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required to vote, and an elector is not registered, the elector must provide a specified form of proof of residence to register. Also, if an elector's name does not appear on the registration list but the elector claims to be a registered voter, the elector must provide this proof and complete a certification of eligibility to vote. If registration is not required, an elector is not required to provide proof of residence, but may be required to do so by the election officials at the polls. Currently, any elector who is unable to provide required proof of residence may have his or her information corroborated by any other qualified elector who resides in the same municipality. This state does not currently issue identification cards that are designed specifically for use by electors. This bill directs the elections board (board) to prepare recommendations with regard to issuing voter identification cards to electors in this state. The board must submit the recommendations to the legislature for distribution to the appropriate standing committees of both houses no later than approximately six months after the bill becomes law.

Currently, the statutes contain several references to the use of punch card voting systems as a method of voting in this state. In addition, under current law,

ASSEMBLY BILL 49

the board must approve each voting system used in this state in accordance with standards specified by law. This bill directs the board to prepare recommendations for eliminating the use of punch card voting systems as a method of voting in this state and for facilitating the transition from the use of punch card voting systems to another approved method of voting. The board must submit the recommendations to the legislature for distribution to the appropriate standing committees of both houses no later than approximately four months after the bill takes effect.

Current law requires the elections board to conduct regular informational 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 the compensation paid to election officials and with regard to establishing a program for the recruitment, 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 no later than 90 days after the bill becomes law.

Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. This bill directs the elections board to prepare recommendations with regard to requiring voter registration in every municipality and maintaining a statewide voter registration list. The recommendations must address issues relating to the privacy of each elector's registration information. The elections board must submit the recommendations to the legislature for distribution to the appropriate standing committees of both houses no later than 90 days after the bill becomes law.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 6.78 (intro.) of the statutes is renumbered 6.78 (1m) and amended
2 to read:

3 **6.78 (1m)** The polls at any every election shall be open: from 7 a.m. until 8 p.m.

4 **SECTION 2.** 6.78 (1) of the statutes is repealed.

5 **SECTION 3.** 6.78 (2) of the statutes is repealed.

ASSEMBLY BILL 49

1 **SECTION 4.** 6.78 (3) of the statutes is repealed.

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

3 7.33 (4) ~~Each~~ Except as otherwise provided in this subsection, each local
4 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
5 proper application under sub. (3), permit each of its employees to serve as an election
6 official without loss of fringe benefits or seniority privileges earned for scheduled
7 working hours during the period specified in sub. (3), ~~and~~ without loss of pay for
8 scheduled working hours during the period specified in sub. (3) except as provided
9 in sub. (5), and ~~shall not impose~~ without any other penalty ~~upon an employee who~~
10 ~~serves as an election official.~~ For employees who are included in a collective
11 bargaining unit for which a representative is recognized or certified under subch. V
12 of ch. 111, this subsection shall apply unless otherwise provided in a collective
13 bargaining agreement.

14 **SECTION 6.** 7.33 (5) of the statutes is amended to read:

15 7.33 (5) Any employee of the state a local governmental unit, as defined in s.
16 16.97 (7), or state agency who obtains a paid leave of absence under sub. (4) in order
17 to serve as an election official under s. 7.30 shall certify in writing to the head of the
18 local governmental unit or state agency by which he or she is employed the amount
19 of compensation that the employee receives for such service. Upon receipt of the
20 certification, the head of the local governmental unit or state agency shall deduct
21 that amount from the employee's pay earned for scheduled working hours during the
22 period specified in sub. (2) when the employee is on a paid leave of absence.

23 **SECTION 7.** 67.05 (3) (f) of the statutes is amended to read:

24 67.05 (3) (f) If a special purpose district calls a referendum to be held in
25 conjunction with a state, county, municipal, or judicial election, the polling places for

ASSEMBLY BILL 49

1 the state, county, municipal, or judicial election shall be the polling places for the
2 special purpose district referendum and the municipal election hours shall apply. If
3 no state, county, municipal, or judicial election is held on the day of the special
4 purpose district referendum, the governing body of the special purpose district may
5 ~~set the election hours and~~ select the polling places to be used, except as otherwise
6 provided in s. 120.06 (9) (b) in the case of a school district. If a polling place located
7 in the special purpose district that was utilized at the most recent spring or general
8 election is not utilized by the special purpose district, the governing body of the
9 special purpose district shall post a notice on the door of the polling place indicating
10 all polling places open for voting. ~~Election hours set by the governing body of the~~
11 ~~special purpose district for each polling place shall be the same as those provided by~~
12 ~~the governing body of the municipality in which the polling place is located, except~~
13 ~~that if the opening hour is later than 7 a.m., the governing body of the special purpose~~
14 ~~district may extend the opening hour to not earlier than 7 a.m.~~ The municipal clerk
15 of each municipality in which a polling place is located shall provide the necessary
16 equipment to operate the polling place.

17 **SECTION 8.** 111.93 (3) of the statutes is amended to read:

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

1 in those statutes, rules, and policies are set forth in the collective bargaining
2 agreement.

3 **SECTION 9.** 120.06 (9) (a) of the statutes is amended to read:

4 120.06 (9) (a) The primary and spring elections for school board members shall
5 be conducted by the election officials for state and municipal elections. In a school
6 board election held in conjunction with a state, county, municipal, or judicial election,
7 the polling places for the state, county, municipal, or judicial election shall be the
8 polling places for the school board election and the municipal election hours shall
9 apply. If no state, county, municipal, or judicial election is held on the day of the
10 school board election, the school board may ~~set the election hours and~~ select the
11 polling places to be used. The election costs shall be charged as provided in ss. 5.68
12 and 7.03. ~~Election hours set by the school board shall be the same as those provided~~
13 ~~by the municipal governing body in which the polling place is located, except that if~~
14 ~~the opening hour is later than 7 a.m., the school board may extend the opening hour~~
15 ~~to not earlier than 7 a.m.~~

16 **SECTION 10. Nonstatutory provisions.**

17 (1) UNIVERSAL, CENTRALIZED VOTER REGISTRATION. The elections board shall
18 prepare recommendations with regard to requiring voter registration in every
19 municipality in this state and maintaining a statewide voter registration list. The
20 recommendations shall address issues relating to the privacy of each elector's voter
21 registration information. No later than 90 days after the effective date of this
22 subsection, the elections board shall submit the recommendations to the chief clerk
23 of each house of the legislature for distribution to the appropriate standing
24 committees of the legislature in the manner provided under section 13.172 (3) of the
25 statutes.

ASSEMBLY BILL 49

1 (2) ELECTION OFFICIALS. The elections board shall prepare recommendations
2 with regard to the compensation paid to election officials and with regard to
3 establishing a program for the recruitment, training, and certification of election
4 officials. No later than 90 days after the effective date of this subsection, the elections
5 board shall submit the recommendations to the chief clerk of each house of the
6 legislature for distribution to the appropriate standing committees of the legislature
7 in the manner provided under section 13.172 (3) of the statutes.

8 (3) PUNCH CARD VOTING SYSTEMS. The elections board shall prepare
9 recommendations for eliminating the use of punch card voting systems as a method
10 of voting in this state and for facilitating the transition from the use of punch card
11 voting systems to another approved method of voting. No later than the first day of
12 the 5th month beginning after the effective date of this subsection, the elections
13 board shall submit the recommendations to the chief clerk of each house of the
14 legislature for distribution to the appropriate standing committees of the legislature
15 in the manner provided under section 13.172 (3) of the statutes.

16 (4) VOTER IDENTIFICATION CARDS. The elections board shall prepare
17 recommendations with regard to issuing voter identification cards to electors in this
18 state. No later than the first day of the 7th month beginning after the effective date
19 of this subsection, the elections board shall submit the recommendations to the chief
20 clerk of each house of the legislature for distribution to the appropriate standing
21 committees of the legislature in the manner provided under section 13.172 (3) of the
22 statutes.

SECTION 11. Initial applicability.

23
24 (1) LEAVES OF ABSENCE FOR SERVICE AS AN ELECTION OFFICIAL. The treatment of
25 sections 7.33 (4) and (5) and 111.93 (3) of the statutes first applies to employees who

ASSEMBLY BILL 49

1 are affected by a collective bargaining agreement containing provisions inconsistent
2 with this treatment on the day on which the collective bargaining agreement expires
3 or is extended, modified, or renewed, whichever first occurs.

4 (END)