

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: rmarchan

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Jefferson

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters: kuesejt

Subject: Elections - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM60,

Topic:

Service as an election official by local government employees

Instructions:

See Attached

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>
/?	rmarchan 06/23/2001 kuesejt 06/24/2001 rmarchan 06/25/2001	gilfokm 06/25/2001		_____			
/1			kfollet	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			06/26/2001 _____		06/26/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: rmarchan

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Jefferson

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters: kuesejt

Subject: Elections - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM60,

Topic:

Service as an election official by local government employees

Instructions:

See Attached

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	1-6/25 King	Kyl 6/26	Lil/F 6/26			

FE Sent For:

<END>

2001

Date (time) needed _____

LRB b. 1564, 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RSM:OTK : King : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

ENGROSSED SENATE BILL 110

1 commissioners shall summarily remove the official from office and the vacancy shall
2 be filled under sub. (2) (b).

SECTION 37. 7.33 (3) of the statutes is amended to read:

3
4 7.33 (3) Every employer shall grant to each employee who is appointed to serve
5 as an election official under s. 7.30 a leave of absence for the entire 24-hour period
6 of each election day in which the official serves in his or her official capacity. An
7 employee who serves as an election official shall provide his or her employer with at
8 least 7 days' notice of application for a leave. The municipal clerk shall verify
9 appointments upon request of ^{that} any employer.

10 *Att. # 3, B: after line 8 insert:*

SECTION 38. 7.33 (4) of the statutes is amended to read:

11 *87A* 7.33 (4) ~~Each~~ Except as otherwise provided in this subsection, each local
12 governmental unit, as defined in s. 16.97 (7), ~~may, and each~~ state agency shall, upon
13 proper application under sub. (3), permit each of its employees to serve as an election
14 official without loss of fringe benefits or seniority privileges earned for scheduled
15 working hours during the period specified in sub. (3), ~~and~~ without loss of pay for
16 scheduled working hours during the period specified in sub. (3) except as provided
17 in sub. (5), and shall not impose ~~without~~ any other penalty upon an employee who
18 serves as an election official. For employees who are included in a collective
19 bargaining unit for which a representative is recognized or certified under subch. V
20 of ch. 111, this subsection shall apply unless otherwise provided in a collective
21 bargaining agreement.

22 SECTION 39. 7.33 (5) of the statutes is renumbered 7.33 (5) (a).

23 SECTION 40. 7.33 (5) (b) of the statutes is created to read:

24 7.33 (5) (b) Except as otherwise provided in this paragraph, any employee of
25 a local governmental unit, as defined in s. 16.97 (7), who obtains a paid leave of

lines 3
Page 3

Insert 23-21

ENGROSSED SENATE BILL 110

SECTION 55

1 of any employee the amount certified under s. 7.33 (5) (a) which is received by the
2 employee for service as an election official while the employee is on a paid leave of
3 absence under s. 7.33 (3).

4 **SECTION 56.** 67.05 (3) (f) of the statutes is amended to read:

5 67.05 (3) (f) If a special purpose district calls a referendum to be held in
6 conjunction with a state, county, municipal, or judicial election, the polling places for
7 the state, county, municipal, or judicial election shall be the polling places for the
8 special purpose district referendum and the municipal election hours shall apply. If
9 no state, county, municipal, or judicial election is held on the day of the special
10 purpose district referendum, the governing body of the special purpose district may
11 ~~set the election hours and~~ select the polling places to be used, except as otherwise
12 provided in s. 120.06 (9) (b) in the case of a school district. If a polling place located
13 in the special purpose district that was utilized at the most recent spring or general
14 election is not utilized by the special purpose district, the governing body of the
15 special purpose district shall post a notice on the door of the polling place indicating
16 all polling places open for voting. ~~Election hours set by the governing body of the~~
17 ~~special purpose district for each polling place shall be the same as those provided by~~
18 ~~the governing body of the municipality in which the polling place is located, except~~
19 ~~that if the opening hour is later than 7 a.m., the governing body of the special purpose~~
20 ~~district may extend the opening hour to not earlier than 7 a.m.~~ The municipal clerk
21 of each municipality in which a polling place is located shall provide the necessary
22 equipment to operate the polling place.

23 *line*
~~has # 1913, 21 after that line insert:~~
SECTION 57. 111.93 (3) of the statutes is amended to read:

24 *2615f*
111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
25 230.35 (2d), 230.35 (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement

ENGROSSED SENATE BILL 110

1 exists between the employer and a labor organization representing employees in a
2 collective bargaining unit, the provisions of that agreement shall supersede the
3 provisions of civil service and other applicable statutes, as well as rules and policies
4 of the board of regents of the University of Wisconsin System, related to wages, fringe
5 benefits, hours, and conditions of employment whether or not the matters contained
6 in those statutes, rules, and policies are set forth in the collective bargaining
7 agreement. "

8 **SECTION 58.** 120.06 (9) (a) of the statutes is amended to read:

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

21 **SECTION 59.** 302.117 of the statutes is created to read:

22 **302.117 Notice regarding ineligibility to vote.** When an inmate who is
23 disqualified from voting under s. 6.03 (1) (b) is released to parole or extended
24 supervision, the department shall inform the person that he or she may not vote in
25 any election until his or her civil rights are restored.

ENGROSSED SENATE BILL 110

SECTION 76

1 date of this subsection, the board shall submit the results of its study, together with
2 its recommendations, to the chief clerk of each house of the legislature for
3 distribution to the appropriate standing committees of the legislature in the manner
4 provided under section 13.172 (3) of the statutes.

SECTION 77. Initial applicability.

Page 5

line
Item # 1397, 11: after that line insert:

6 (1) LEAVES OF ABSENCE FOR SERVICE AS AN ELECTION OFFICIAL. The treatment of
7 sections 7.38 (4) and (5) (b) and 111.93 (3) of the statutes first applies to employees
8 who are affected by a collective bargaining agreement containing provisions
9 inconsistent with this treatment on the day on which the collective bargaining
10 agreement expires or is extended, modified, or renewed, whichever first occurs.

11 (2) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED
12 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons
13 whom the department of corrections releases to parole or extended supervision on
14 the effective date of this subsection.

15 (3) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The
16 treatment of section 973.09 (4) (b) of the statutes first applies to persons whom the
17 court orders confined as a condition of probation on the effective date of this
18 subsection.

19 (4) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment
20 of sections 973.033, 973.034, and 973.176 (title) and (2) of the statutes first applies
21 to persons whom the court sentences on the effective date of this subsection.

22 **SECTION 78. Effective dates.** This act takes effect on the day after publication,
23 except as follows:

24 (1) NOTIFICATION REGARDING INELIGIBILITY TO VOTE. The treatment of sections
25 302.117, 973.033, 973.034, and 973.176 (title) and (2) of the statutes, the

end >

**ASSEMBLY AMENDMENT 3,
TO 2001 SENATE BILL 110**

June 12, 2001 - Offered by Representatives FREESE and TRAVIS.

DW 5909 23-21 ✓

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

2 **1.** Page 23, line 22: delete the material beginning with that line and ending
3 with page 24, line 13, and substitute:

4 **SECTION 302a.** 7.33 (5) of the statutes is amended to read:

87m

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." ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0568/1dn
JTK&RJM:WJ:rs

Kmg

June 4, 2001

In addition to treating local government employees the same as state employees with regard to service as an election official, the amendment applies the provisions regarding time off for service as an election official to represented state employees, unless the applicable collective bargaining agreement provides otherwise.

Mark Jefferson:

is based on SB-110, as that bill would have been affected by AA-3 to SB-110

Representative Freese

difference between this amendment and the relevant provisions of SB-110

This amendment restores the assembly version of the language concerning leaves of absence for service as an election official. The only change made by the senate, however, was to deal with the situation in which an election official is employed by the same local government that conducts an election. Both AB-49 and SB-110 provide that an employee of a local government must certify to his or her employer the amount of compensation received by the employee for service as an election official. The local government must then deduct that amount from the employee's pay earned for scheduled working hours while the employee is on leave to serve as an election official.

SB-110 provides that if an election official is employed by the same local government that conducts an election, the local government may instead require the official, before his or her service as an official begins, to assign his or her interest in any compensation received to the local government. The employee would then receive no paycheck for service as an election official but would not have any deduction from his or her regular paycheck.

If you are willing to accept the addition made by SB-110, you will not need this amendment.

Please let us know if the amendment is not consistent with your intent.

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

Please let us know if you would prefer to include a provision to address this situation. This amendment provides

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

is that SB-110 deals

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

LRBb1564/1dn
RJM&JTK:kmg:kjf

June 26, 2001

Mark Jefferson:

This amendment concerning leaves of absence for service as an election official is based on SB-110, as that bill would have been affected by AA-3 to SB-110. In addition to treating local government employees the same as state employees with regard to service as an election official, the amendment applies the provisions regarding time off for service as an election official to represented state employees, unless the applicable collective bargaining agreement provides otherwise. The only difference between this amendment and the relevant provisions of SB-110 is that SB-110 deals with the situation in which an election official is employed by the same local government that conducts an election. Please let us know if you would prefer to include a provision to address this situation.

This amendment provides that an employee of a local government must certify to his or her employer the amount of compensation received by the employee for service as an election official. The local government must then deduct that amount from the employee's pay earned for scheduled working hours while the employee is on leave to serve as an election official. Please let us know if the amendment is not consistent with your intent.

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

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1564/1
RJM&JTK:kmg:kjf

ARC:.....Jefferson – AM60, Service as an election official by local government employees

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 3, line 3: after that line insert:

3 “SECTION 87f. 7.33 (4) of the statutes is amended to read:

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

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

5 **SECTION 87m.** 7.33 (5) of the statutes is amended to read:

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

14 **2.** Page 913, line 2: after that line insert:

15 **“SECTION 2615f.** 111.93 (3) of the statutes is amended to read:

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

