

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2001-02

(session year)

Assembly

(Assembly, Senate or joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr_AC-Ed_RCP_pt01a
- > 05hr_AC-Ed_RCP_pt01b
- > 05hr_AC-Ed_RCP_pt02

Published Documents

> Committee Hearings ... CH (Public Hearing Announcements)

> **

> Committee Reports ... CR

> **

> Executive Sessions ... ES

> **

> Record of Comm. Proceedings ... RCP

> **

*Information Collected For Or
Against Proposal*

> Appointments ... Appt

> **

> Clearinghouse Rules ... CRule

**

> Hearing Records ... HR (bills and resolutions)

> **01hr_ab0826_AC-CE_pt01**

> Miscellaneous ... Misc

> **

Vote Record

Assembly - Committee on Campaigns and Elections

LRB 4019/2

Date: 2/14/02
Moved by: _____
Seconded by: _____
Clearinghouse Rule: _____
Appointment: _____
Other: _____
AB: 82L SB: _____
AJR: _____ SJR: _____
AR: _____ SR: _____

A/S Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Rep. Stephen Freese, Chair
Rep. Bonnie Ladwig
Rep. Jeff Stone
Rep. Jeff Fitzgerald
Rep. David Travis
Rep. Mark Pocan

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Fitzgerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Unanimous Consent

Motion Carried

Motion Failed

Vote Record

Assembly - Committee on Campaigns and Elections

ZRB 1280/1

Date: 2/19/02
Moved by: _____
AB: _____ SB: _____
AJR: _____ SJR: _____
AR: _____ SR: _____

Seconded by: AA1
Clearinghouse Rule: _____
Appointment: _____
Other: _____

A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Rep. Stephen Freese, Chair
Rep. Bonnie Ladwig
Rep. Jeff Stone
Rep. Jeff Fitzgerald
Rep. David Travis
Rep. Mark Pocan

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Fitzgerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Vote Record

Assembly - Committee on Campaigns and Elections

1281/1

AAZ

Date: _____

Moved by: _____

AB: _____ SB: _____

AJR: _____ SJR: _____

AR: _____ SR: _____

Seconded by: _____

Clearinghouse Rule: _____

Appointment: _____

Other: _____

A/S Amdt: _____ to A/S Amdt: _____

A/S Sub Amdt: _____ to A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Fitzgerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Vote Record

Assembly - Committee on Campaigns and Elections

AA1 1280/1

Date: 8/19/02 Ladwig
 Moved by: _____ Seconded by: Fitzgerald
 Clearinghouse Rule: _____
 Appointment: _____
 Other: _____

AB: _____ SB: _____
 AJR: _____ SJR: _____
 AR: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>1</u>	_____	_____

Motion Carried Motion Failed

Vote Record

Assembly - Committee on Campaigns and Elections

AA 2 4/19/02 8/1/1

Date: 2/19/02
 Moved by: Ladwig Seconded by: Fitzgerald
 Clearinghouse Rule: _____
 Appointment: _____
 Other: _____

AB: _____ SB: _____
 AJR: _____ SJR: _____
 AR: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>1</u>	_____	_____

Motion Carried Motion Failed

Vote Record

Assembly - Committee on Campaigns and Elections

Date: 2/19/02
 Moved by: Ladwig Seconded by: Fitzgerald
 AB: 826 SB: _____
 Clearinghouse Rule: _____
 Appointment: _____
 Other: _____
 AJR: _____ SJR: _____
 AR: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage *as amended*
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Rep. Stephen Freese, Chair
 Rep. Bonnie Ladwig
 Rep. Jeff Stone
 Rep. Jeff Fitzgerald
 Rep. David Travis
 Rep. Mark Pocan

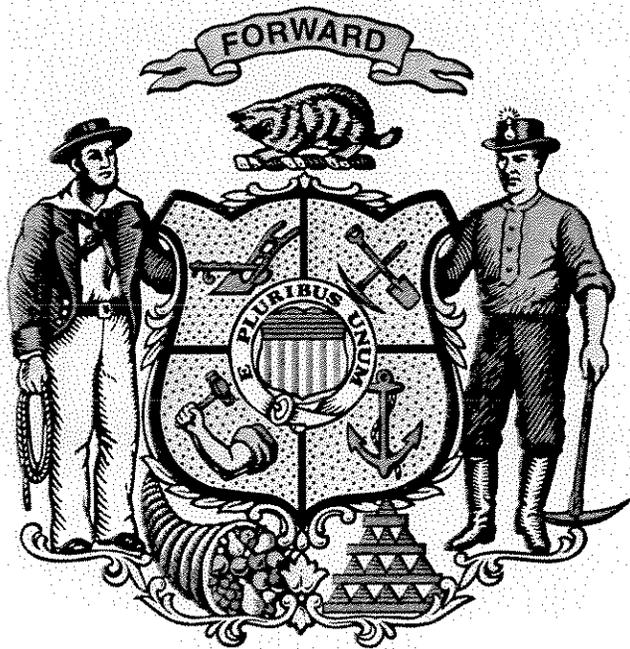
	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 6 0 _____ _____

Intro. 2/18/2002
 2/14/02
 2/19/02

Motion Carried

Motion Failed



State of Wisconsin \ Elections Board

Post Office Box 2973
132 East Wilson Street, 2nd Floor
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
<http://elections.state.wi.us>



JERALYN B. WENDELBERGER
Chairperson

KEVIN J. KENNEDY
Executive Director

January 29, 2002

The Honorable Stephen Freese, Chairperson
Assembly Committee on Campaigns and Elections
Room 115 West, State Capitol
PO Box 8952
Madison, WI 53708-8952

Dear Representative Freese:

The State Elections Board has prepared legislation that addresses issues that will improve election administration in Wisconsin. The legislation has been jacketed for introduction in the Assembly. LRB 4019/2. This legislation will make election administration more efficient for state and local government. Some of the changes are policy driven while some are technical.

The Elections Board requests your assistance in securing enactment of these changes into law. The Elections Board requests that the Senate Committee on Universities, Housing, and Government Operations introduce this legislation on behalf of the Elections Board.

A description of the changes along with the supporting rationale for them is set out below.

1. Permit high school students under the age of 18 to serve as election inspectors. A high school student would have to be at least 15 years old. This is one way to get more help at the polling place on Election Day and promote an interest in voting among young people. It is currently permitted in Georgia, Kansas, Missouri, Nevada, North Dakota and several other states. It has received very positive comments from pollworkers and election officials.
2. Remove the requirement that an election inspector, special registration deputy or special voting deputy must be a resident of the municipality. There are several small municipalities that have trouble recruiting pollworkers and this provision would enable them to reach out beyond municipal boundaries to obtain otherwise qualified electors or high school students to serve as pollworkers. This would also enable municipalities to combine polling places where only a portion of the municipality has an office up for election in a primary election. This occurred this spring in the town of West Bend in Washington County.
3. Permit election inspectors (pollworkers) to volunteer their time. One of the administrative burdens encountered by municipal clerks is the paperwork associated with payroll for Election Day workers. Current law requires that election inspectors be paid a reasonable daily compensation. Individuals attempting to recruit pollworkers have suggested that the paperwork may be a barrier to participation. It may be easier to convince persons to volunteer their time than to ask them to fill out a bunch of forms and keep track of the income for tax reporting purposes. This also works well for the

proposed change involving high school students, since some high school students are required to do a volunteer community service project as a prerequisite to graduation.

4. Make a technical correction in S.8.21, Wis. Stats., to harmonize the restriction on running for office with the constitutional qualifier that a candidate may not be a convicted felon. Current law still refers to an individual convicted of an infamous crime.
5. Change the provisions in Ss.7.08 (1)(b), (3), (4), 11.21 (3), (14), Wis. Stats., that require the Elections Board to distribute various forms, manuals and copies of the election laws free to local election officials and registrants. Most of this information is available on our website. The Board presently charges for extra copies of this material. The Board will still distribute campaign finance registration and report forms to registrants without charge. S.11.21 (1), Wis. Stats.
6. Permit the Elections Board to provide legislative and congressional district maps to candidates upon request rather than requiring the Board to distribute them when nomination papers are filed. A candidate has less need for a map after the nomination papers are filed than while the papers are being circulated.
7. Permit the use of more than one central vote counting location in a municipality or county and provide that municipalities using the central count location specify who is in charge of the central count location.
8. Eliminate the reference in S.6.875 (6) Wis. Stats., about administering an oath to absentee voters in nursing homes. There is no longer an oath on the absentee ballot certificate.
9. Change the time for the municipal clerk to certify the list of municipal candidates to the county clerk from 2 days following the caucus to 3 days following candidate qualification.
10. Add a provision in S.755.01 (4) Wis. Stats., that requires the contracting municipalities to notify the filing officer when the agreement establishing a joint municipal judgeship is discontinued.
11. Provide that the municipal clerk call the recall election after determining the sufficiency of a recall petition for a local officeholder. It is often difficult to get the governing body to meet to order the recall election.
12. Provide that no recall election for a local office may held after February 1st if the regular election for the office is scheduled for the following Spring election.
13. Make changes to the following provisions of the recall statute to eliminate references to affidavits of circulator. Following the enactment of 1999 Wisconsin Act 182, recall petition circulators sign a certificate instead of an affidavit.

S. 9.10 (2)(e)3., "...is dated after the date of notarization..."

S.9.10 (2)(em)4., "The title of the individual, other than a notary, administering the oath..."

S.9.10 (2)(em)5., "The notary commission...has expired."

The Honorable Stephen Freese

January 29, 2002

Page 3

S.9.10 (2)(o), "If the date of administering the oath predates the date of the signature..."

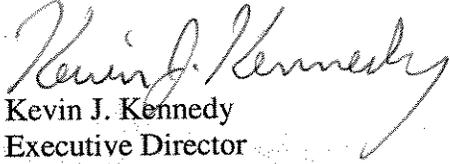
S.9.10 (2)(r)1., "An expired notary commission date."

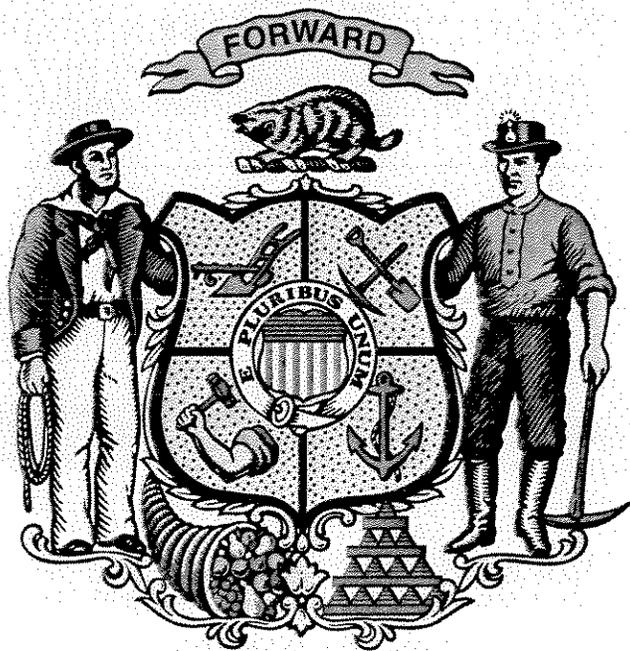
S.9.10 (2)(r)2., "Failure of a notary to sign the petition."

S.9.10 (2)(r)3., "Failure to indicate the duration of a notary commission..."

The Elections Board would like to secure enactment of these changes during this session. It may be possible to include them as an amendment to existing legislation. If you have any questions please contact me directly at 608-266-8087. Thank you for your assistance with this matter.

State Elections Board


Kevin J. Kennedy
Executive Director



State of Wisconsin \ Elections Board

Post Office Box 2973
132 East Wilson Street, 2nd Floor
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
<http://elections.state.wi.us>



JERALYN WENDELBERGER
Chairperson

KEVIN J. KENNEDY
Executive Director

January 29, 2002

The Honorable Brian Burke
Co-Chair, Joint Committee on Finance
316 South, State Capitol
Madison, WI 53702

The Honorable John Gard
Co-Chair, Joint Committee on Finance
315 North, State Capitol
Madison, WI 53702

Members, Joint Committee on Finance

Dear Senator Burke, Representative Gard and Committee Members:

The Budget Reform Bill introduced at the request of Governor McCallum imposes an additional 3.5% budget reduction on the State Elections Board. This amounts to \$34,000 GPR in FY 2 and \$46,400 GPR in FY 3. The first round of budget cuts reduced the agency's operating budget by \$79,700.

In order to meet this latest round of budget reductions the Elections Board will have to significantly curtail program operations and layoff some staff. On behalf of the Elections Board I request that an amendment be added to the Budget Reform Bill that relieves the Elections Board of the responsibility for training and certifying chief election inspectors for the 2002 September primary. I have discussed this request with representatives of the Department of Administration. The background and justification for this request are set out below.

Background

This program was added to the Elections Board's responsibilities as part of the 2001-2003 Budget Bill. Sections 85s, 9315, 2001 Wisconsin Act 16. The Elections Board was given \$45,000 in one-time funding for the program. Once certified, chief inspectors must renew their certification every two years. The Elections Board staff has invested considerable staff time developing the training program. On January 17, 2001 the Elections Board reviewed a description of the training program. A copy of my report to the Elections Board accompanies this request.

The Elections Board expressed its concern that the certification and training program was more than the agency staff could handle. Local election officials have also expressed concern about the burden that it places on them. They expect that new requirements will make it more difficult to recruit and retain pollworkers. Although the Elections Board is responsible for paying the cost of the training program, municipalities will still have to pay their inspectors to attend the program.

Because the law requires that every polling place have at least one certified chief inspector at the September 2002 primary, this program must be developed and implemented immediately. The

Elections Board staff has a number of other program responsibilities related to the Fall 2002 elections. These responsibilities are compounded by the fact that it is a redistricting year and the new congressional and legislative boundaries have not been established.

Description of Elections Board Request

The Elections Board believes that mandatory training for chief election inspectors is an essential element in maintaining public confidence in the electoral process. However, the Elections Board also recognizes that it must share in the reduction of state resources used by government agencies.

I recommend that the implementation of the certification and training program be delayed and the Elections Board apply \$40,000 of the \$45,000 that was allocated to the program to the first year reduction imposed by the Budget Reduction Bill. The agency will address the second year and subsequent base level reductions through staff layoffs. In order to implement this proposal the law has to be changed to eliminate the requirement that all polling places in the state have a certified chief inspector by September 2002.

Justification

Delaying the implementation of the certification and training program enables the Elections Board to meet the across the board budget cuts that state agencies must absorb. The Elections Board has already reduced its operating budget by \$79,700 and will be required to reduce its staffing level as well.

The delay enables agency staff to focus on the delivery of services related to the 2002 election schedule. The workload in non-presidential general elections is the heaviest part of the election cycle. There are more statewide offices on the ballot. In this cycle the staff also has to implement the reporting unit and candidate certification changes associated with redistricting.

Municipal governments will save costs associated with sending personnel to training sessions. We are presently receiving replies from a municipal mailing that went out last week asking for contact information of persons that plan on attending the training. It is apparent there will be a large number of individuals attending. This may make it even more difficult for the Elections Board staff to meet its other program requirements for the 2002 election cycle. Delay of the program will also save local governments money now.

Under present law municipal clerks are required to conduct training for all pollworkers. The Elections Board also has in place an extensive training program for county and municipal clerks that includes local presentations, participation in annual meetings of election officials and ETN sessions geared to particular points in the election cycle. If implementation of the program is delayed this training can be coordinated.

Election inspectors serve a two-year term beginning in January of odd numbered years. The Elections Board and municipal clerks can coordinate the certification and training with the initial appointment of election inspectors if the certification program is delayed. Under the present plan, chief inspectors that are certified for the Fall, 2002 elections will have to apply for renewal of their certification when their new term begins in January 2003.

The Elections Board may be able to implement the program if federal money becomes available. In December, the House of Representatives passed election reform legislation that authorized significant funding. H.R. 3295. One of the uses of the funding is for training election officials. The Senate may take up similar legislation as early as this week. S. 565. It also authorizes significant funding for states. Training election officials is one of the permitted uses of the funding. President Bush has pledged to put at least \$400 million dollars in his budget for election reform.

Conclusion

Delaying the implementation of the mandatory certification and training program for chief election inspectors will save state and local government money now. The Elections Board staff will be able to focus its very limited resources on the demands of the current election cycle and may be able to implement the program with federal funds in the very near future.

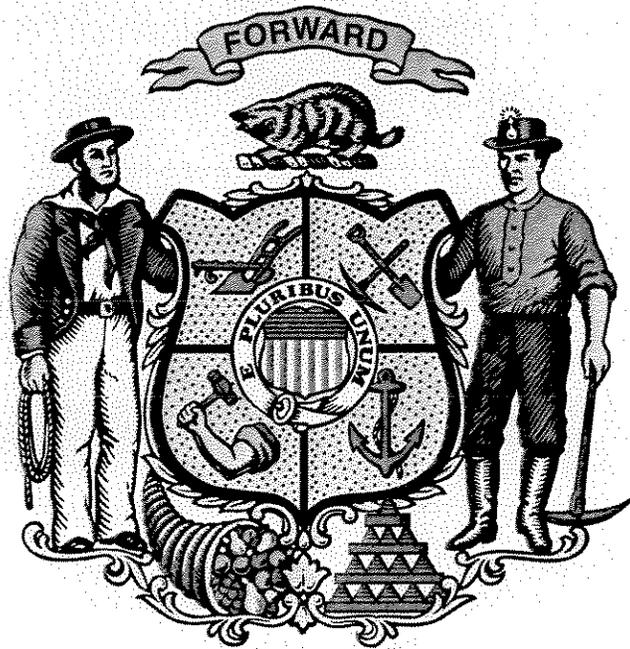
Thank you for your consideration of this request. If you have any questions please contact me at 608-266-8087.

State Elections Board

Kevin J. Kennedy
Executive Director

Enclosure: Memo to Election Board Members on Certification and Training Program

C: Secretary George Lightbourn, Department of Administration
Elections Board Members





Rep. Steve Freese
Campaigns & Elections Committee
115 West

**Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese**

TO: Members, Committee on Campaigns & Elections
FROM: Rep. Steve Freese, Chair
DATE: February 18, 2002
RE: Amendments to AB 826 (LRB 4019/2)

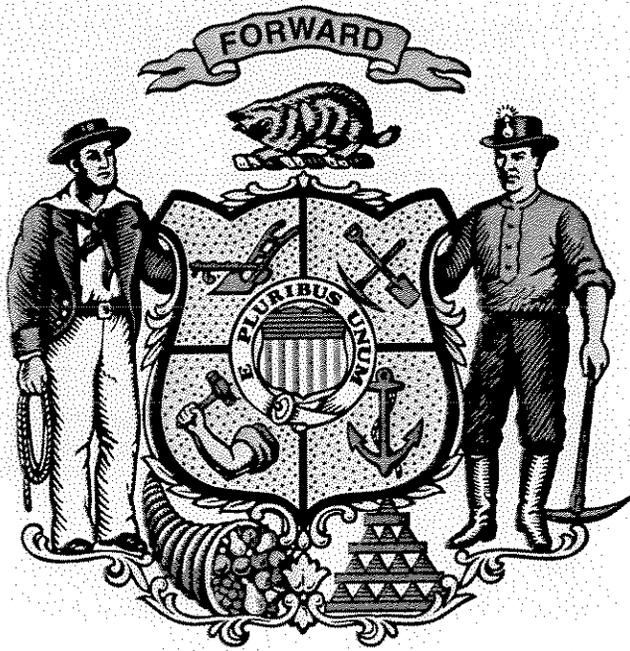
For your consideration, attached are two amendments to AB826 (LRB 4019/2). These amendments address concerns raised by Rep. Ladwig during the February 14th public hearing.

If you have questions regarding the attachments, please contact Terri the committee clerk at 266-7502.

Thank you.

Fifty-First Assembly District

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: MEMBERS OF THE ASSEMBLY COMMITTEE ON CAMPAIGNS AND ELECTIONS

FROM: Robert J. Conlin, Senior Staff Attorney *RJC*

RE: 2001 Assembly Bill 826 and Home Schools

DATE: February 20, 2002

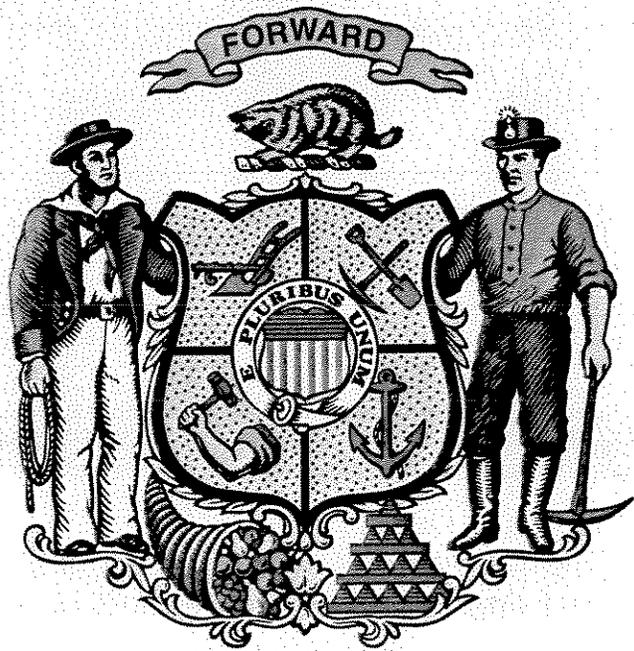
At the February 19, 2002 executive session on Assembly Bill 826, committee members inquired as to whether the provisions of Assembly Bill 826, which allow certain students between the ages of 15 and 17 enrolled in public and private schools to serve as election inspectors, also apply to students enrolled in home schools. As was noted at the executive session, the bill, in SECTION 12, provides that a pupil who is 15, 16, or 17 years of age and who is enrolled in grades 9 to 12 in a public or private school may serve as an election inspector with the approval of the pupil's parent and of the principal of the school in which the pupil is enrolled.

After reviewing the bill and the relevant education-related statutes, it is not clear whether the term "private school" as used in the bill necessarily encompasses a home school setting.

Accordingly, if the committee is desirous of making sure that home school students are able to serve as election inspectors, it may be desirable to amend the bill to specifically include students in a home school setting in SECTION 12 of the bill.

If you have any additional questions on this matter, please feel free to contact me at the Legislative Council Staff offices.

RJC:ksm;tlu



Scott McCallum
Governor

Jennifer Reinert
Secretary



State of Wisconsin
Department of Workforce Development

OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>
e-mail: dwdsec@dwd.state.wi.us

February 28, 2002

The Honorable Stephen Freese
Wisconsin State Assembly
Room 115 West, State Capitol
Madison, Wisconsin 53708

Re: Assembly Bill 826, relating to various changes in election administration laws.

Dear Representative Freese:

As you know, Assembly Bill 826 has been making rapid progress through the Assembly. In part, this bill would allow the employment of high school pupils aged 15, 16, and 17 as poll workers. It recently came to the attention of the Department of Workforce Development that the bill would have an impact on Wisconsin's child labor law. Specifically, the bill would affect Section 103.68, Wis.Stats., which regulates the hours of work and times of day restrictions that minors are limited to working, as well as federal law relating to child labor.

Poll workers are asked to work long hours - from 7:00 a.m. until polls close, plus whatever time is needed to count ballots. However, child labor regulations prohibit a 16 or 17 year old from working more than 8 hours a day or past 11:00 p.m. Section 103.68(1), Wis.Stats., provides:

No minor shall be employed or permitted to work at any gainful occupation other than domestic service or farm labor for more than 8 hours in any one day nor more than 40 hours nor more than 6 days in any one week, nor during such hours as the minor is required under s. 118.15(2) to attend school.

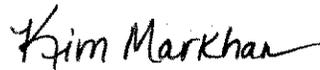
These requirements are complicated by the fact that 15 year olds are prohibited from working more than 3 hours per day by the Federal Wage and Hour Act.

Staff in the department's Equal Rights Division, Bureau of Labor Standards have suggested that the bill include an amendment to Section 103.68, Wis.Stats., to exempt minors under the age of 18 from the hours of work and time of day restrictions, in order for the legislation not to conflict with child labor laws. The amendment would also remove 15-year-old minors from coverage under the bill. Enclosed is a memorandum from the Equal Rights Division describing the suggested amendment.

The Honorable Stephen Freese
February 28, 2002
Page -2-

I hope this information is helpful. If you have questions, please feel free to contact me at 267-3200 or Sheehan Donoghue, Equal Rights Administrator, at 266-0946.

Sincerely,



Kimberly Markham
Executive Assistant

Enclosure

cc: Sheehan Donoghue

InterOffice Memo

Department of Workforce Development

Date: February 28, 2002

To: Kim Markham

From: Sheehan Donoghue

Subject: **Assembly Bill 826**

Assembly Bill 826 as currently drafted, will conflict with both the Wisconsin Child Labor law and the Federal Child Labor law as they relate to hours of work and time of day restrictions. We should suggest a friendly amendment to Representative Freese that would eliminate the conflict in the statutes.

The issue is directly related to the hours that may be worked by 15, 16, and 17-year-old minors, during school hours and during a school week.

Under Federal Law, in a school week, 15-year-old minors are prohibited from working during normal school hours and are restricted to no more than three (3) hours a day during non-school hours. The Federal Child Labor Law relating to hours of work and time of day restrictions during school days and school weeks does not apply to 16 and 17-year-old minors.

four(4) The Wisconsin Child Labor Law restricts the number of hours and time of day those hours can be worked, during a normal school week. For instance, except for the last day of the week before a weekend, or before the end of the school year, a 15-year-old student may only work three (3) hours a day during non-school time in school weeks. In the last school day of the week, (normally Friday), a 15-year-old minor may work eight (8) hours in the day, during non-school hours.

Under the Wisconsin Child Labor law, during school weeks, 16 and 17 year old students are subject to number of hours worked and time of day restrictions. For instance during a normal school week, 16 and 17 year-old students may work five hours per day during non-school hours, and eight (8) hours a day during the last school day of the week. 16 and 17 year-old-minors are limited to a total of 26 hours of work time during a full school week. They are limited to 50 hours of work during a non-school week and 32 hours of work during a partial week.

In addition to the above restrictions, employers are required to obtain child labor work permits for all minors employed by that employer. Volunteers do not need a work permit. I have attached to this memo, some suggested language that may be used in an amendment to AB826 to resolve the department's concerns.

On page 12, line 23, of the bill, delete "15".

Effect of amendment is to remove 15 year-old-minors from coverage under the bill. Without this amendment, any 15 year old minor employed by an election board would be in violation of the Federal law, if s/he were to work more than 3 hours, even if those hours were worked during non-school hours.

Amend Assembly Bill 826 on page 1, line 6, after 11.21 (14) add "103.68 (1)".

On page 22 line 5 add the following words: **Section 35** 103.68 (1)

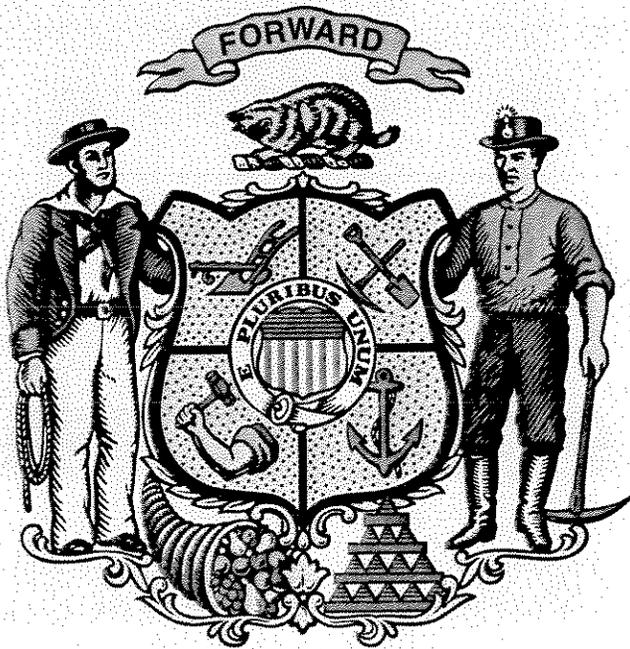
delete the period at the end of the first full sentence of 103.68 (1) and insert "except that minors aged 16 and 17 when employed by a municipality as poll workers, are exempt from the hours of work and time of day restrictions during the duration of their term as poll workers."

Page 22 line 9, delete the number "5" and substitute "6"

Page 22 line 17, delete the number "6" and substitute "7"

On Page 23 line 11, delete the number "7" and substitute "8"

On Page 23 line 15, delete the number "8" and substitute "9"





WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE STEPHEN FREESE
FROM: Robert J. Conlin, Senior Staff Attorney *RJC*
RE: Assembly Amendment ___ (LRBa1430/1) to 2001 Assembly Bill 826
DATE: March 5, 2002

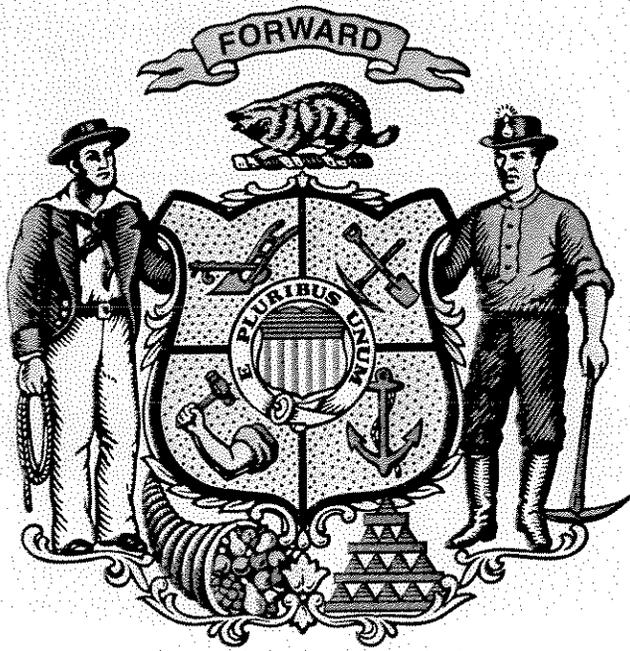
This memorandum, prepared at your request, briefly describes Assembly Amendment ___ (LRBa1430/1) to 2001 Assembly Bill 826.

As you know, Assembly Bill 826 proposes numerous changes to the election administration laws. The bill was requested by the State Elections Board. Among other things, Assembly Bill 826 authorizes high school students who are 15, 16, or 17 years of age to serve as election inspectors (poll workers) in any position other than the position of chief inspector.

Assembly Amendment ___ (LRBa1430/1) deletes the authority of 15-year olds to serve as election inspectors. In addition, the amendment creates exemptions from certain components of the child labor laws for 16- and 17-year olds who serve as election inspectors. Generally, under current law, 16- and 17-year olds must obtain a work permit; may not be employed during hours they would otherwise be required to be in school; and may not work more than eight hours in any one day. The amendment exempts 16- and 17-year olds serving as election inspectors from these provisions.

If you have any questions on this matter, please feel free to contact me at the Legislative Council Staff offices.

RJC:ksm:tlujal





WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR MARK MEYER, CHAIR, SENATE COMMITTEE ON UNIVERSITIES,
HOUSING, AND GOVERNMENT OPERATIONS

FROM: Don Dyke, Senior Staff Attorney

RE: Senate Substitute Amendment __ (LRBs0366/1) to 2001 Senate Bill 477, Relating to
Various Changes in Election Administration Laws

DATE: March 6, 2002

This memorandum describes the changes made by the above-captioned substitute amendment to the original bill.

SERVICE AS ELECTION INSPECTOR BY MINORS WHO ARE ENROLLED IN HIGH SCHOOL

The substitute amendment eliminates the authority of a 15-year old who is enrolled in grades 9 to 12 of a public or private school to serve as an election inspector. According to the Department of Workforce Development, 15-year olds are prohibited from working more than three hours per day by the Federal Wage and Hour Act. Addressing related matters, the substitute amendment expressly exempts minors who serve as an election inspector from: (1) the state prohibition on working during school hours; (2) state limits on hours worked by minors; and (3) state work permit requirements for minors.

The substitute amendment also prohibits a minor who is serving as an election inspector from challenging an elector's vote.

RESIDENCY OF ELECTION OFFICIALS

The substitute amendment deletes the provision of the bill that an election inspector need only be a qualified elector of the state. It restores current law in this regard and clarifies that when an inspector works at a polling place that serves more than one ward, the official must be an elector of one of the wards served by the polling place, and if a municipality is not divided into wards, the official must reside in the municipality.

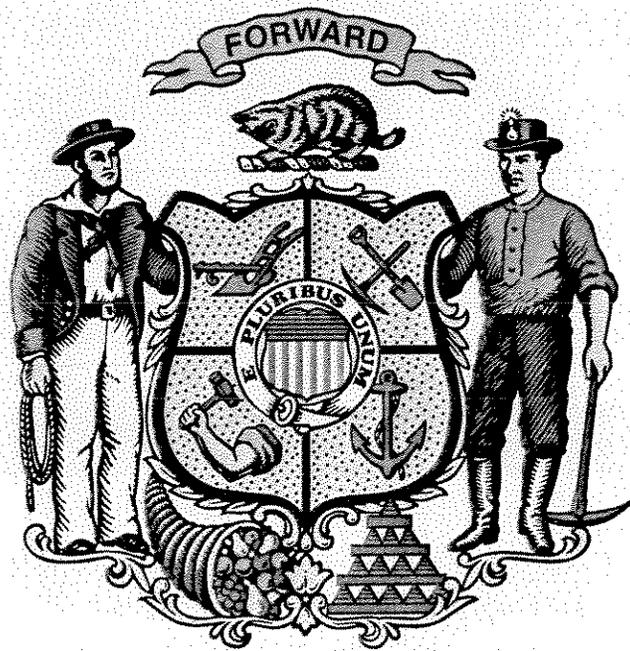
RECALL ELECTIONS

The substitute amendment deletes provisions in the bill allowing a municipal clerk or school district clerk to call a special election, restoring current law in this regard, which requires the municipal governing body or the school board to call the special election.

The substitute amendment deletes the provision in the bill that prohibits calling a recall election for an office to be filled at the spring election later than February 1 in the year of that election.

If you have any questions or need additional information, please contact me directly at the Legislative Council Staff offices.

DD:tlu:ksm;wu



State of Wisconsin \ Elections Board

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JERALYN B. WENDELBERGER
Chairperson

KEVIN J. KENNEDY
Executive Director

DATE: March 11, 2002

TO: Representative Stephen Freese Chair,
Assembly Committee on Campaigns and Elections

FROM: Kevin J. Kennedy, Executive Director
State Elections Board

SUBJECT: Senate Substitute to 2001 Assembly Bill 826

On Tuesday, March 12, 2002 the state senate will consider a substitute amendment to 2001 Assembly Bill 826. The Assembly Committee on Campaigns and Elections introduced the assembly version of the bill at the request of the State Elections Board. The senate substitute harmonizes the assembly bill with changes adopted by the Senate Committee on Universities, Housing, and Government Operations to the senate version, 2001 Senate Bill 477.

The Elections Board supports the legislation. If the state senate passes the bill, the Elections Board hopes that the Assembly will concur in the change. The revised bill still accomplishes the major initiatives sought by the Elections Board. A summary of the changes is listed below.

1. The substitute amendment prohibits a high school student who is serving as an election inspector from challenging an elector's vote.
2. The substitute amendment deletes the provision of the bill that an election inspector be a qualified elector of the county served by the polling place at which the inspector performs duties. It restores current law (must be a resident of the ward) and clarifies that when an inspector works at a polling place that serves more than one ward, the official must be an elector of one of the wards served by the polling place.
3. The substitute amendment deletes provisions in the bill allowing a municipal clerk or school district clerk to call a special election, restoring current law in this regard, which requires the municipal governing body or the school board to call the special election.
4. The substitute amendment deletes the provision in the bill that prohibits calling a recall election for an office to be filled at the spring election later than February 1 in the year of that election.

The Elections Board believes that the legislation implements most of what it originally sought. The bill permits municipalities to use high school students at the polling place on Election Day. This is a tremendous opportunity to involve young people in the election process. The legislation enables poll workers to volunteer their time. This will facilitate poll worker recruitment and reduce administrative overhead for municipal election officials. The technical corrections to administrative provisions remain intact.

On behalf of the Elections Board I ask that you continue your efforts to secure passage of this legislation. The Elections Board deeply appreciates the effort that you have made to date in support of this legislation.

If you have any questions please contact me at 608-266-8087.