## 2003 ASSEMBLY BILL 141

March 6, 2003 – Introduced by Representatives Krug, Jeskewitz, Plouff, A. Williams, Pocan, Coggs, Berceau, Turner and Sinicki, cosponsored by Senators Wirch and Carpenter. Referred to Committee on Campaigns and Elections.

AN ACT *to create* 66.0501 (5) of the statutes; **relating to:** the eligibility of employees of cities, villages, towns, and counties to be candidates for elective public office.

## Analysis by the Legislative Reference Bureau

Under current law, no political subdivision (city, village, town, or county), other than a 1st class city (currently only Milwaukee) or a county with a population of 500,000 or more (currently only Milwaukee County), may prohibit a law enforcement officer who is employed by a political subdivision from being a candidate for elective public office, if he or she is otherwise qualified to be a candidate. Also under current law, no law enforcement officer may be required, as a condition of being a candidate for any elective public office, to take a leave of absence during his or her candidacy.

Under this bill, no political subdivision, including a 1st class city and a county with a population of 500,000 or more, may prohibit any other employee of a political subdivision from being a candidate for elective public office, if he or she is otherwise qualified to be a candidate. Also under the bill, no employee of a political subdivision may be required, as a condition of being a candidate for any elective public office, to take a leave of absence during his or her candidacy. The bill does not apply to individuals to whom the federal Hatch Act applies. Generally, the Hatch Act prohibits a state or local officer whose position is funded by federal funds from being a candidate for elective office unless he or she takes a leave of absence.

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For further information see the *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:

- **SECTION 1.** 66.0501 (5) of the statutes is created to read:
  - 66.0501 (5) EMPLOYEES MAY BE CANDIDATES. (a) In this subsection:
    - 1. "Political subdivision" means a city, village, town, or county.
  - 2. "Public employee" means any individual employed by a political subdivision, other than an individual to whom s. 164.06 applies and other than an individual to whom 5 USC 1502 (a) (3) applies.
  - (b) No political subdivision may prohibit a public employee from being a candidate for any elective public office, if that individual is otherwise qualified to be a candidate. No public employee may be required, as a condition of being a candidate for any elective public office, to take a leave of absence during his or her candidacy. This subsection does not affect the authority of a political subdivision to regulate the conduct of a public employee while the public employee is on duty or otherwise acting in an official capacity.

14 (END)