ASSEMBLY BILL 64 (LRB -0978)

An Act to repeal 6.78 (1), 6.78 (2) and 6.78 (3); to renumber and amend 6.78 (intro.); and to amend 67.05 (3) (f) and 120.06 (9) (a) of the statutes; relating to: polling hours. (FE)

2005

04-20.	A.	Introduced by Representatives **Freese, Jensen, Jeskewitz, Berceau, Nass, Hines** and **Lehman**; cosponsored by Senators **Reynolds** and **Kedzie**.	
02-01.	A.	Read first time and referred to committee on Campaigns and Elections	57
02-03.	A.	Fiscal estimate received.	
02-03.	A.	Public hearing held.	
02-03.	A.	Executive action taken.	
02-09.	A.	Report passage recommended by committee on Campaigns and Elections, Ayes 6, Noes 0	67
02-09.	A.	Referred to committee on Rules	67
02-17.	A.	Placed on calendar 2-22-2005 by committee on Rules.	
02-22.	A.	Read a second time	93
02-22.	A.	Assembly amendment 1 offered by Representatives Vruwink, Ziegelbauer, Gronemus, Nelson, Sherman and Hubler **(LRB a0208)**	93
02-22.	A.	Assembly amendment 1 laid on table, Ayes 60, Noes 38	93
02-22.	A.	Assembly amendment 2 offered by Representatives Colon and Young **(LRB a0209)**	93
02-22.	A.	Point of order that Assembly amendment 2 not germane well taken	93
02-22.	A.	Ordered to a third reading	93
02-22.	A.	Rules suspended	93
02-22.	A.	Read a third time and **passed**, Ayes 74, Noes 25	93
02-22.	A.	Ordered immediately messaged	93
02-24.	S.	Received from Assembly	98
02-24.	S.	Read first time and referred to committee on Labor and Election Process Reform	98
04-20.	S.	Public hearing held.	
04-20.	S.	Executive action taken.	
04-20.	S.	Report concurrence recommended by committee on Labor and Election Process Reform, Ayes 5, Noes 0	178
04-20.	S.	Available for scheduling.	
04-28.	S.	Placed on calendar 5-3-2005 by committee on Senate Organization.	
05-03.	S.	Read a second time	194
05-03.	S.	Senate amendment 1 offered by Senators Kapanke, Decker and A. Lasee **(LRB a0532)**	194
05-03.	S.	Refused to adopt Senate amendment 1, Ayes 13, Noes 19	194
05-03.	S.	Senate amendment 2 offered by Senator Decker **(LRB a0539)**	194
05-03.	S.	Refused to table Senate amendment 2, Ayes 13, Noes 19	194
05-03.	S.	Senate amendment 2 **adopted**	195
05-03.	S.	Ordered to a third reading	195
05-03.	S.	Rules suspended	195
05-03.	S.	Read a third time and **concurred in** as amended	195
05-03.	S.	Ordered immediately messaged	195

2006

01-09.	A.	Received from Senate amended and concurred in as amended (Senate amendment 2 adopted)	714
01-09.	A.	Referred to committee on Rules	714
01-11.	A.	Placed on calendar 1-17-2006 by committee on Rules.	
01-17.	A.	Senate amendment 2 **concurred in**.	
01-17.	A.	Action ordered immediately messaged.	

2005
ENROLLED BILL

05en A B-64

ADOPTED DOCUMENTS:

☒ Orig   ☐ Engr   ___ SubAmdt ___   05 -0978/ 1

Amendments to above (if none, write "NONE"): _S A2_____

_____

_____

Corrections – show date (if none, write "NONE"): _NONE_____

_____

Topic _Polling hours ~~and making an appropriation~~_

_1-19-06_   [signature]

Date   **Enrolling Drafter**

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2005 ASSEMBLY BILL 64

February 1, 2005 – Introduced by Representatives FREESE, JENSEN, JESKEWITZ, BERCEAU, NASS, HINES and LEHMAN, cosponsored by Senators REYNOLDS and KEDZIE. 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* 67.05 (3) (f) and 120.06 (9) (a) of the statutes; **relating**

3 **to:** polling hours.

Analysis by the Legislative Reference Bureau

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, the opening hour for polling places in certain school and other special purpose district elections may be extended to not earlier than 7 a.m. even if the governing body of the municipality where a polling place is located does not extend the opening hour.

This bill requires the polls at every election to be open from 7 a.m. to 8 p.m. in all municipalities.

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:

4 **SECTION 1.** 6.78 (intro.) of the statutes is renumbered 6.78 (1m) and amended

5 to read:

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

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

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

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

5   **Section 5.** 67.05 (3) (f) of the statutes is amended to read:

6   67.05 **(3)** (f) If a special purpose district calls a referendum to be held in

7   conjunction with a state, county, municipal or judicial election, the polling places for

8   the state, county, municipal or judicial election shall be the polling places for the

9   special purpose district referendum and the municipal election hours shall apply. If

10   no state, county, municipal or judicial election is held on the day of the special

11   purpose district referendum, the governing body of the special purpose district may

12   ~~set the election hours and~~ select the polling places to be used, except as otherwise

13   provided in s. 120.06 (9) (b) in the case of a school district. If a polling place located

14   in the special purpose district that was utilized at the most recent spring or general

15   election is not utilized by the special purpose district, the governing body of the

16   special purpose district shall post a notice on the door of the polling place indicating

17   all polling places open for voting. ~~Election hours set by the governing body of the~~

18   ~~special purpose district for each polling place shall be the same as those provided by~~

19   ~~the governing body of the municipality in which the polling place is located, except~~

20   ~~that if the opening hour is later than 7 a.m., the governing body of the special purpose~~

21   ~~district may extend the opening hour to not earlier than 7 a.m.~~ The municipal clerk

22   of each municipality in which a polling place is located shall provide the necessary

23   equipment to operate the polling place.

24   **Section 6.** 120.06 (9) (a) of the statutes is amended to read:

1   120.06 **(9)** (a) The primary and spring elections for school board members shall

2   be conducted by the election officials for state and municipal elections. In a school

3   board election held in conjunction with a state, county, municipal or judicial election,

4   the polling places for the state, county, municipal or judicial election shall be the

5   polling places for the school board election and the municipal election hours shall

6   apply. If no state, county, municipal or judicial election is held on the day of the school

7   board election, the school board may ~~set the election hours and~~ select the polling

8   places to be used. The election costs shall be charged as provided in ss. 5.68 and 7.03.

9   ~~Election hours set by the school board shall be the same as those provided by the~~

10   ~~municipal governing body in which the polling place is located, except that if the~~

11   ~~opening hour is later than 7 a.m., the school board may extend the opening hour to~~

12   ~~not earlier than 7 a.m.~~

13   **(END)**

SENATE AMENDMENT 2,

TO 2005 ASSEMBLY BILL 64

May 3, 2005 – Offered by Senator DECKER.

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

2   **1.** Page 1, line 3: after "hours" insert "and making an appropriation".

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

4   "**SECTION 1g.** 5.68 (4) of the statutes is amended to read:

5   5.68 **(4)** ~~The~~ Except as provided under sub. (7), the cost of compensation of

6   election officials and trainees shall be borne in the manner provided in s. 7.03.

7   **SECTION 1j.** 5.68 (7) of the statutes is created to read:

8   5.68 **(7)** Any municipality that maintained polling hours beginning later than

9   7 a.m. prior to the effective date of this subsection .... [revisor inserts date], and that

10   incurs additional costs to adjust its polling hours to begin at 7 a.m. at any election

11   held after the effective date of this subsection .... [revisor inserts date], may file a

12   claim with the board for reimbursement of those costs. The claim shall be

13   accompanied by appropriate substantiation of all costs incurred. The board shall

1   audit the claim and, if the board finds that the costs have been incurred by the

2   municipality, and the costs would not have been incurred but for the requirement to

3   open polling places at 7 a.m., the board shall reimburse the municipality for those

4   costs. No claim is payable under this subsection unless the claim is filed with the

5   board, together with appropriate substantiation, within 60 days following the date

6   on which the costs are incurred.".

7   **3.** Page 1, line 4: delete "**SECTION 1**" and substitute "**SECTION 1r**".

8   **4.** Page 2, line 4: after that line insert:

9   "**SECTION 4m.** 20.510 (1) (b) of the statutes is created to read:

10   20.510 **(1)** (b) *Election–related cost reimbursement.* A sum sufficient to

11   reimburse municipalities for claims allowed under s. 5.68 (7).".

12   **(END)**