

2005-06 SESSION

COMMITTEE HEARING RECORDS

Assembly Committee on Campaigns & Elections (AC-CE)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ **05hr_AC-CE_Misc_pt23**

➤ Record of Comm. Proceedings ... RCP

➤ **



WISCONSIN LEGISLATIVE COUNCIL

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

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, ^{RV} ~~Senior~~ Staff Attorney

RE: 2005 Assembly Bill 513, Relating to Leave Provided for Voting on Election Day and a State Holiday for Voting

DATE: August 29, 2005

This memorandum briefly summarizes 2005 Assembly Bill 513, relating to leave provided to employees for voting on election day and granting certain state employees a holiday on the day of the general election. The bill was introduced by Representative Parisi and others. It has been scheduled for a public hearing in the Assembly Committee on Campaigns and Elections for Thursday, September 1, 2005.

Current Law

Under current law, any person entitled to vote at an election is entitled to be absent from work while the polls are open for a period not to exceed three successive hours to vote. The elector is required to notify the employer before election day of the intended absence and the employer may designate the time of day for the absence. No penalty may be imposed on the employee for being absent under this provision other than a deduction for time lost. However, current law prohibits the state from deducting compensation for time lost from the pay of state employees on account of voting.

In addition, under current law, nonrepresented state employees receive a total of nine paid holidays annually. If such employees are required by their appointing authorities, to work on one of the holidays, state law calls for such employees to be compensated, either in pay or compensatory time off, at the rate of time and one-half. Represented state employees receive paid holidays, and compensation for working on such holidays, in accordance with collective bargaining agreements.

The Bill

2005 Assembly Bill 513 increases the number of hours that any employee may be absent from work in order to vote from three to four. In addition, the bill provides that the Tuesday that falls after the first Monday in November in each even-numbered year (the day of the general election) is a day on

which state government offices are closed. In addition, under the bill, that day is a paid holiday for nonrepresented state employees except those employees whose duties on that day do not involve election administration and whose appointing authorities require them to work on that day. Nonrepresented state employees required to work on the election-day holiday may not receive compensatory time off or payment for work performed on that holiday. The bill does not modify the paid holidays provided to represented state employees. Thus, those state employees will continue to have paid holidays as provided in their collective bargaining agreements.

Comment: Under current law, a nonrepresented state employee required to work on a state holiday is required to be compensated by compensatory time off or payment at the rate of time and one-half. The bill provides that any employee who is required by his or her appointing authority to work on the election holiday created by the bill and whose duties on that day do not involve election administration may not receive compensatory time off or payment for work performed on that holiday. It appears that the intent of this provision is to provide that such state employees are not to be compensated by compensatory time off or payment at the rate of one and one-half times the regular rate of pay. A technical amendment may be required to effectuate the author's intent.

If you have any questions about this memorandum, please contact me at the Legislative Council staff offices.

RJC:ksm:jal



STATE REPRESENTATIVE
JOSH ZEPNICK
WISCONSIN STATE ASSEMBLY

September 1, 2005

To the Assembly Committee on Campaigns and Elections:

Mr. Chairperson and fellow committee members, thank you for taking the time to hear my testimony on Assembly Bill 513. I am sorry I cannot personally be in attendance today, but have asked my staff to present this testimony to your committee.

I think it is incredibly important for us to have a holiday commemorating the very foundation of our democracy: our constitutional right to vote. It is ironic that Dr. Martin Luther King, Jr. and others fought for expanding voting rights and we have a holiday for King's work in the civil rights movement and American history... yet we have no holiday to actually get people to the polling booths.

Working-class folks (sometimes juggling two or three jobs), people with disabilities or limited transportation options, as well as those with plain old busy lives, means there are two congestion points in the City of Milwaukee polling booths: 7am-9am before work; and after 4pm when most long lines start. These long lines not only burden the voter, but often entirely disenfranchise many from voting. It is exactly those kinds of bottlenecks that increase the odds of mistakes being made and frankly requiring a photo ID card would add even more waiting time.

Creating a holiday not only adds some measure of convenience, it also highlights the importance of voting in a free society, and that we inside government want to do whatever it takes to serve citizens in a responsible manner. Remember, citizens are not customers, we own the store.

Stability and openness in our elections are just as important to our Nation's well being as our national security. Unfortunately, we do not put the same time, funding and civic importance into voting as we do with national security. Just as none of us would be here today without adequate national security, none of us would be here today were it not for our constitutional right to vote which forms the very foundation of what it means to be an American.

Thank you for your time.

Sincerely,

Josh Zepnick
State Representative
9th Assembly District