

CR 83-170

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF EMPLOYE TRUST FUNDS )

RECEIVED

JAN 30 1984  
10:55  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Gary I. Gates, Secretary of the Department of Employee Trust Funds, and custodian of the official records do hereby certify that the annexed rules relating to the Teachers Retirement Board elections were duly approved by the Teachers Retirement and the Employee Trust Funds Boards and adopted by this department on January 26, 1984.

I further certify that this copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONEY WHEREOF, I Have  
hereunto set my hand at  
201 East Washington Avenue,  
in the City of Madison,  
this 27 day of January,  
19 84.

Gary I. Gates  
Gary I. Gates, Secretary  
Department of Employee Trust Funds

ORDER OF THE DEPARTMENT OF EMPLOYE TRUST FUNDS  
ADOPTING RULES

To create ETF 10.01 (3h) and (3s) and ETF 10.10 relating to the Teachers Retirement Board elections.

---

Analysis Prepared by the Department of Employee Trust Funds

This rule order establishes the policies for conducting the Teachers Retirement Board elections. All positions on this Board, prior to the enactment of ch. 96, Laws of 1981, were appointed. Nine of the 13 positions are now required to be filled by election.

These rules interpret ss. 15.165 (1) and (3) (a) and 40.03 (2) (p), Stats.

---

Pursuant to the authority vested in the department of employe trust funds by s. 40.03 (2) (i), Stats., the department of employe trust funds hereby creates rules interpreting ss. 15.165 (1) and (3) (a) and 40.03 (2) (p), Stats., as follows:

SECTION 1. ETF 10.01 (3h) is created to read:

(3h) "Inactive participant" means, for purposes of the teachers retirement board election under s. ETF 10.10, a participant who is neither a participating employe, as defined in s. 40.02 (46), Stats., nor an annuitant as defined in s. 40.02 (4), Stats.

SECTION 2. ETF 10.01 (3s) is created to read:

(3s) "Public school" means, for purposes of s. 15.165 (3) (a) 1, Stats., a cooperative educational service agency established under ch. 116, Stats., a county handicapped children's education board established under s. 115.86, Stats., and

any school supported wholly or in part by public funds which is under the control and management of the state of Wisconsin or any subdivision of the state of Wisconsin and which is empowered by law to employ teachers; but does not mean the university of Wisconsin system, any school in the city of Milwaukee, a state agency or a vocational, technical and adult education district.

SECTION 3. ETF 10.10 is created to read:

ETF 10.10 TEACHERS RETIREMENT BOARD ELECTIONS. (1) The purpose of this section is to set forth procedures for all elections to the teachers retirement board, pursuant to ss. 15.165 (1) and (3) (a) and 40.03 (2) (p), Stats. An election shall be scheduled whenever a term is due to expire.

(2) When an elective position on the teachers retirement board is vacated due to resignation, death or for any other reason, a successor shall be elected for the remainder of the unexpired term at a time determined by the secretary, but no later than the next election specified in sub. (1).

(3) Persons shall be considered eligible to vote if they are in the department's participant file and meet the other voting eligibility requirements set forth in this section at the time ballots are addressed.

(4) A teacher employed in more than one employment location within an election category specified under s. 15.165 (3) (a) 1 or 2, Stats., shall be sent a ballot at only one location as determined by the department. A teacher concurrently employed by both a public school and a vocational, technical and adult education district shall be sent a ballot at both locations and shall be eligible to vote in both categories specified under s. 15.165 (3) (a) 1 and 2, Stats.

(5) An inactive participant shall be eligible to vote in the appropriate election category based on the last covered employment under the Wisconsin retirement system if that employment was as a teacher in a public school or vocational, technical and adult education district. A ballot shall be sent to an inactive participant upon request only on the following basis:

(a) If an inactive participant was employed in more than one employment location within an election category, as defined in s. 15.165 (3), Stats., only one vote shall be allowed.

(b) If an inactive participant had previous concurrent employment with a public school and vocational, technical and adult education district the inactive participant shall be entitled to vote in both categories specified under s. 15.165 (3) (a) 1 and 2, Stats.

(6) Employees of the state department of public instruction; state department of health and social services; state board of vocational, technical and adult education; and the educational communications board, who are classified as teachers under the Wisconsin retirement system, are not employed by a public school or a vocational, technical and adult education district and shall be ineligible to vote in any election category.

(7) Any participant satisfying the eligibility requirements of s. 15.165 (3), Stats., may be nominated for election to the teachers retirement board by satisfying the requirements of pars. (a) to (c) within the calendar dates established by the department. The department shall publish notice of the election, the nomination timetable and instructions for prospective candidates in the department newsletter. The department shall send nominating petition forms to employers.

Prospective annuitant candidates may obtain nominating petition forms from the department. Other prospective candidates may obtain nominating petition forms from their employer or from the department. The candidate shall:

(a) Submit to the department a nominating petition, which shall contain at least 50 but no more than 100 signatures, shall indicate the signer's employer, or last Wisconsin teaching employer for annuitants, the signer's social security number and the date signed. If more than 100 signatures are submitted, the department shall, based upon the date signed, review only the first 100 signatures for validity and the balance shall be disregarded.

(b) Certify that the signers are, to the best of the candidate's knowledge, eligible to vote in the election category for which the candidate is running.

(c) Submit to the department biographical information containing no more than 100 words. If the biographical information submitted exceeds this maximum, the first 100 words shall be printed and the balance shall be dropped. The department shall print and send candidates' biographical information to eligible voters with the ballots.

(8) The department shall print ballots with the candidates' names in alphabetical order and shall include instructions for marking the ballot and the deadline for its return. Each employer shall be sent one ballot individually labeled with the participant name for each active participant employee. A distribution list, prepared by the department and containing the names of employees for whom ballots are included, shall accompany the ballots. Employers shall be required to verify, by signing the distribution list, that ballots have been distributed within 30 days of the date they were mailed by the department. The

employer shall indicate on the distribution list which ballots could not be distributed and shall return the undistributed ballots. For the annuitant election, ballots shall be sent directly to teacher annuitants at the last home address the department has on file.

(9) All voters shall certify their eligibility to vote in the appropriate election category by signing the signature stub provided with the ballot and returning it with the sealed ballot.

(10) An election committee shall be appointed by the teachers retirement board and shall consist of the secretary of the department and 2 teachers retirement board members not running for re-election. A majority of the election committee shall determine the validity of questionable ballots.

(11) Ballot validation shall be accomplished by checking the signature stub accompanying the sealed ballot. Questionable items shall be set aside for review by the election committee. If there is a question about the validity of a ballot after it is opened it shall also be set aside for review by the election committee. A ballot shall be deemed invalid by the election committee if:

(a) No signature stub accompanies the ballot.

(b) The signature stub accompanying the sealed ballot is not signed.

(c) Too many candidates have been voted for on the ballot.

(d) The election committee finds that a ballot is so defective that it cannot be determined with reasonable certainty for whom the ballot was cast.

(12) If the number of candidates is equal to or less than the number of positions to be filled within an election category, no election shall be held and all candidates shall be declared to be elected.

(13) If there is more than one teachers retirement board position to be filled, and an election is held, voters may vote for as many candidates, in the appropriate election category, as there are positions to be filled.

(14) Write-in candidates shall be disallowed.

(15) Candidates receiving the largest number of votes shall be elected. A tie shall be broken by the drawing of lots. The counting of ballots shall be conducted under the direction of the secretary.

(16) The department shall notify all candidates of the results by the May 1 following the close of the election.

(17) The department shall retain nominating petitions and ballots for 30 days from the date the candidates are notified in sub. (16). If a candidate wishes to request a recount, the candidate shall submit the request to the department within 30 days of the date the candidates are notified of the election results. A recount shall be conducted under the direction of the secretary.

The rules contained in this order shall take effect as provided in s. 227.026

(1) (intro.), Stats.

January 27, 1984  
Date

Gary I. Gates  
Gary I. Gates, Secretary  
Department of Employee Trust Funds



FISCAL ESTIMATE WORKSHEET

1983 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL  UPDATED  
 CORRECTED  SUPPLEMENTAL

LDB or Bill No./Adm. Rule No.  
**ETF 10.01 and 10.10**

Amendment No.

AD-MBA-22 (Rev. 11/82)

Subject

**Teachers Retirement Board elections.**

**I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):**

None

**II. Annualized Costs:** Note: Treat fiscal costs like a "checkbook": increased costs reduce available funds (-); decreased costs increase available funds (+).

Annualized fiscal impact on State funds from:	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
Salaries and Fringes	\$ -	\$ +
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
<b>TOTAL State Costs by Category</b>	\$ - 0	\$ + 0
<b>B. State Costs by Source of Funds</b>		
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
<b>C. FTE Position Changes</b>	Increased Pos. + ( 0 )	Decreased Pos. - ( 0 )
<b>III. State Revenues</b> -Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.	Decreased Rev.	Increased Rev.
GPR Taxes	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
<b>TOTAL State Revenues</b>	\$ - 0	\$ + 0

**Net Annualized Fiscal Impact on State & Local Funds**

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+	-	Total Revenues	+	-
<b>NET Impact on State Funds</b>	\$ (+) or (-)	<b>NONE</b>	<b>NET Impact on Local Funds</b>	\$ (+) or (-)	<b>NONE</b>

Agency/Prepared by: (Name & Phone No.)

Diane M. Bass 266-5804  
 Department of Employee Trust Funds

Authorized Signature/Telephone No.

*Diane M. Bass* 266-5804

Date

8-23-83

FISCAL ESTIMATE

AD-MBA-23 (Rev. 11/82)

1983 Session

J.R.P. or Bill No. / Adm. Rule No.

ETF 10.01 & 10.10

Amendment No. if Applicable

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

Subject

Teachers Retirement Board elections.

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Increase Existing Revenues
- Decrease Existing Appropriation
- Decrease Existing Revenues
- Create New Appropriation

- Increase Costs - May Be Possible to Absorb Within Agency's Budget  Yes  No
- Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive
  - Mandatory
- 2.  Decrease Costs
  - Permissive
  - Mandatory

- 3.  Increase Revenues
  - Permissive
  - Mandatory
- 4.  Decrease Revenues
  - Permissive
  - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
  - Villages
  - Cities
  - Counties
  - Others \_\_\_\_\_

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This proposed rule establishes the policies for conducting the Teachers Retirement Board elections. The costs for the printing and mailing of nomination forms and ballots, as well as the other costs associated with an election were included in the department budget approved in 1983 Wisconsin Act 27. \$39,500 was budgeted for fiscal year 1983-84 and \$35,400 was budgeted for fiscal year 1984-85.

Long-Range Fiscal Implications

We anticipate that elections in future years will cost approximately the same as what has been budgeted for fiscal years 1983-84 and 1984-85.

Agency/Prepared by: (Name & Phone No.)

Diane M. Bass 266-5804  
 Department of Employee Trust Funds

Authorized Signature/Telephone No.

*Diane M. Bass* 266-5804

Date

8-23-83



State of Wisconsin \ DEPARTMENT OF EMPLOYEE TRUST FUNDS

January 26, 1984

*Gary I. Gates*  
*Secretary*

201 EAST WASHINGTON AVENUE  
P.O. BOX 7931  
MADISON, WISCONSIN 53707

IN REPLY REFER TO:

Gary Poulson  
Assistant Revisor of Statutes  
411 West, State Capitol  
Madison, WI 53702

Dear Gary

Re Clearinghouse Rule No. 83-170

Enclosed is a Certificate and two copies of an Order Adopting Rules.  
A certified copy of this letter has also been forwarded to the Secretary  
of State.

Sincerely

A handwritten signature in cursive script, appearing to read 'Diane M. Bass'.

Diane M. Bass  
Board Coordinator  
(608) 266-5804

DMB/sb 4/A9