

ELECTIONS COMMISSION

Budget Summary							
Fund	2020-21 Base Year Doubled	2021-23 Governor	2021-23 Jt. Finance	2021-23 Legislature	2021-23 Act 58	Act 58 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$9,411,400	\$9,745,300	\$9,572,600	\$9,572,600	\$9,572,600	\$161,200	1.7%
FED	1,989,800	1,886,700	1,886,700	1,886,700	1,886,700	- 103,100	- 5.2
PR	2,000	500,700	500,700	500,700	500,700	498,700	N.A.
SEG	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>0</u>	0.0
TOTAL	\$11,403,400	\$12,132,900	\$11,960,200	\$11,960,200	\$11,960,200	\$556,800	4.9%

FTE Position Summary						
Fund	2020-21 Base	2022-23 Governor	2022-23 Jt. Finance	2022-23 Legislature	2022-23 Act 58	Act 58 Change Over 2020-21 Base
GPR	25.75	25.75	25.75	25.75	25.75	0.00
FED	6.00	3.00	3.00	3.00	3.00	- 3.00
PR	<u>0.00</u>	<u>3.00</u>	<u>3.00</u>	<u>3.00</u>	<u>3.00</u>	<u>3.00</u>
TOTAL	31.75	31.75	31.75	31.75	31.75	0.00

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS [LFB Paper 101]

	Funding	Positions
GPR	\$161,200	0.00
FED	<u>- 343,500</u>	<u>- 6.00</u>
Total	- \$182,300	- 6.00

Governor/Legislature: Provide adjustments to the base totaling \$78,800 GPR and \$29,600 FED in 2021-22, \$82,400 GPR and -\$373,100 FED in 2022-23, and -6.0 FED positions annually. Adjustments are for: (a) removal of non-continuing elements from the base (-\$36,700 FED in 2021-22, -\$440,400 FED in 2022-23, and -6.0 FED positions annually); (b) full funding of continuing position salaries and fringe benefits (\$75,100 GPR and \$15,500 FED annually); (c) reclassifications and semiautomatic pay progression (\$54,300 GPR annually); and (d) full funding of lease and directed moves costs (-\$50,600 GPR and \$50,800 FED in 2021-22 and -\$47,000 GPR and \$51,800 FED in 2022-23).

2. REIMBURSEMENT FOR SPECIAL PRIMARY AND ELECTION COSTS

Governor: Require the Elections Commission to reimburse counties and municipalities for

costs incurred in the administration of special primaries and special elections for state or national office. Create a sum sufficient GPR appropriation to provide reimbursements.

As a sum sufficient appropriation, the Commission would be authorized to spend any amount necessary for reimbursements, subject to the following restrictions. Costs would be eligible for reimbursement if the Commission determined: costs are reasonable; rates did not exceed the rates paid for similar costs at a primary or election that is not a special primary or election; and, in the case where the election coincides with a primary or election that is not a special primary or election, the cost does not exceed the amount that would be incurred if the primaries or elections did not coincide. Only the following costs would be reimbursable: (a) rental payments for polling places; (b) election day wages paid to election officials working at the polls; (c) costs for the publication of required election notices; (d) printing and postage costs for absentee ballots and envelopes; (e) costs for the design and printing of ballots and poll books; (f) purchase of ballot bags or containers, including ties or seals for chain of custody purposes; (g) costs to program electronic voting machines; (h) purchase of memory devices for electronic voting machines; (i) wages paid to conduct a county canvass; and (j) data entry costs for a statewide voter registration system. The bill would incorporate the provisions of 2021 Assembly Bill 21/Senate Bill 21.

Joint Finance/Legislature: Provision not included.

3. SPECIAL ELECTION DATES FOR FEDERAL OFFICES

Governor: Require that a vacancy in the office of U.S. Senator or Representative be filled as soon as practicable as follows: (a) at a special election to be held on the third Tuesday in May following the date of the vacancy with a special primary to be held concurrently with the spring primary on the third Tuesday in February; (b) at a special election to be held on the second Tuesday in August following the date of the vacancy with a special primary to be held on the third Tuesday in May; or (c) at a special election to be held on the Tuesday after the first Monday in November following the date of the vacancy with a special primary to be held on the second Tuesday in August. Under the bill, a November special election would not be held in any year in which the general election is held for that office; instead, the vacancy would be filled at the partisan primary and general election.

The administration indicates that the provision would clarify scheduling for these elections. Further, the administration indicates that the provision is intended to ensure special elections "are scheduled with sufficient time to comply with federal requirements for sending ballots to military and overseas voters." Federal law requires states to transmit absentee ballots to military and overseas voters no later than 45 days before an election for federal office. Under current law, if a vacancy occurs in the office of U.S. Senator or Representative prior to the second Tuesday in April in a year in which a general election is held, the vacancy must be filled at a special primary and special election. Statute does not prescribe the specific dates for such a special primary or special election. Also under current law, if the vacancy occurs between the second Tuesday in April and the second Tuesday in May of that year, the office must be filled at the partisan primary and general election.

Joint Finance/Legislature: Provision not included.

4. CONVERT PROJECT POSITIONS TO PERMANENT POSITIONS FOR ELECTIONS SECURITY [LFB Paper 275]

	Funding	Positions
FED	\$240,400	3.00
PR	<u>236,700</u>	<u>3.00</u>
Total	\$477,100	6.00

Governor/Legislature: Convert 6.0 FED project positions to 3.0 FED and 3.0 PR permanent positions to support security infrastructure and to provide security support to local election officials. Provide \$18,500 FED and \$18,200 PR in 2021-22 and \$221,900 FED and \$218,500 PR in 2022-23 for salaries and fringe benefits. [The 6.0 FED project positions and funding are removed under standard budget adjustments.]

The permanent positions would have the same responsibilities as the current project positions, including managing IT projects, training local officials, and providing technical security assistance. The project positions are currently funded by a federal elections security grant and are scheduled to sunset in June, 2022. The federal positions would continue to be supported by the federal elections security grant. The program revenue positions would be supported by the security and maintenance appropriation, described below.

5. SECURITY AND MAINTENANCE APPROPRIATION CREATION [LFB Paper 275]

PR	\$262,000
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Governor: Create a continuing program revenue appropriation for election security and maintenance, estimated at \$131,000 annually. The appropriation would be funded from the sale of voter registration lists and would support elections security and voter registration system maintenance. The Commission indicates supported costs could include voter list processing, server and data storage costs, and IT developer expenses to maintain and upgrade the system.

Specify that the unencumbered balance in the segregated election administration fund associated with the sale of voter lists be transferred to the newly-created appropriation. As of February 15, 2021, the unencumbered balance associated with the sale of voter lists was approximately \$1.8 million. Under current law, the Elections Commission receives revenue from the sale of voter lists, which must be deposited to the election administration fund. The agency indicates it does not currently have the authority to expend such funds.

Joint Finance/Legislature: Modify the appropriation language to authorize the Elections Commission to use program revenue funds for "the purpose of election security and system maintenance," rather than for "the purpose of election security and maintenance of the statewide voter registration system."

[Act 58 Sections: 89, 166, and 9212(1)]

6. RECOUNT FEES

Governor: Modify the appropriation for recount fees from an annual to a continuing PR appropriation. Under current law, the Elections Commission is required to reimburse counties for the actual costs of conducting a recount. The appropriation is funded by fees collected from the candidate that filed the recount petition.

Joint Finance/Legislature: Provision not included.

7. AUTOMATIC VOTER REGISTRATION

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$172,700	-\$172,700	\$0

Governor: Provide \$156,100 in 2021-22 and \$16,600 in 2022-23 to register all eligible electors as soon as practicable using the process described below.

Agreement with DOT. Require the Commission and the Department of Transportation (DOT) to revise the existing agreement between the agencies relating to matching voter information to provide for the electronic transfer of information to facilitate the registration of all eligible electors. The Department would be required to begin transferring information no later than the first day of the ninth month after the effective date of the bill.

The agreement must provide for the transfer of the following, no less often than weekly: (a) the full name of each individual who holds a current operator's license or identification card issued by DOT; (b) the individual's name history, current address, address history, date of birth, and license or card number; (c) a copy of the document the individual provided as proof of citizenship; (d) a statement indicating that DOT verified the citizenship; and (e) the most recent date that each item of information was provided or obtained by DOT.

Require that the application forms for a license or identification card inform the applicant that information will be made available to the Elections Commission and allow the applicant to elect not to share the information. Specify that the Commission maintain the confidentiality of all information obtained from DOT and only use the information for the purpose of registrations. Further, specify that this provision would not preclude DOT from sharing this information with the Commission for the current law purposes of online voter registration or for any other purpose other than automatic voter registration. [See "Transportation -- Motor Vehicles."]

Assistance from DOA. Require the Department of Administration to assist with information technology systems development to facilitate the registration of eligible electors. [See "Administration -- Information Technology."]

List Maintenance. Require the Commission to compare the information from DOT with the voter registration list and use all feasible means to facilitate the registration of eligible electors based on the following procedures:

a. Enter each individual's name on the registration list, provided that the Commission has obtained from reliable sources the required information and the individual appears to be eligible to vote but is not registered. Attempt to obtain from reliable sources the necessary information required to complete an individual's registration. Attempt to contact the individual if necessary to obtain the information needed to complete registration. Under current law, municipal

and county clerks, rather than the Commission, are responsible for maintaining the voter registration list.

b. Mail a notice to each individual added to the registration list. The notice must be printed in English, Spanish, and other languages as determined by the Commission. The notice must inform the individual that his or her name has been added to the registration list, provide the individual's current address, inform the individual that he or she may request to be deleted and provide instructions for doing so, provide instructions for notifying the Commission of a change in name or address, and provide instructions for obtaining a confidential listing.

c. Attempt to contact electors to resolve discrepancies if the information from DOT does not match the voter registration list. If the Commission is unable to contact the elector, the information in the registration list would be maintained.

d. If a name is removed from the registration list or the status of the elector is changed from eligible to ineligible, other than to remove a duplicate entry or change the status of a deceased individual to ineligible, mail a notice of the change by first class postcard informing the person that he or she may apply to be added again if the person is a qualified elector.

e. In addition, any individual may file a request with the Commission to be excluded or deleted from the registration list and may later revoke the request. The Commission must ensure that an individual who has filed a request to be excluded or deleted from the list is excluded or removed and is not added at a later time unless the request is revoked.

Report to Legislature. No later than July 1, 2023, require the Commission to report the following to the appropriate standing committees of the Legislature and to the Governor: (a) progress in implementing a system to ensure the complete and continuous registration of all eligible electors, including the operability and utility of information integration with DOT; and (b) an assessment of the feasibility and desirability of the integration of registration information with information maintained by other state agencies, including at a minimum the Departments of Health Services, Children and Families, Workforce Development, Revenue, Safety and Professional Services, and Natural Resources; the University of Wisconsin System; the Technical College System Board; and the technical colleges within each technical college district.

Joint Finance/Legislature: Provision not included.

8. VOTER REGISTRATION MODIFICATIONS

Governor: Require municipal clerks and their agents to promptly add to the statewide registration list the names of qualified electors who register late in person. Specify that, consistent with current law provisions relating to electronic voter registration: (a) the municipal clerk is not required to inform an elector who registers to vote electronically that proof of residence is required; and (b) the municipal clerk must record an indication that information was verified by the electronic system in lieu of proof of residence. Require the Commission to maintain records of electronic registrations and make the records available for inspection by the municipal clerk, clerk's agent, or board of election commissioners.

Under current law, an elector who registers to vote electronically is not required to provide proof of residence if, at the time of registration, the elector provides the number of a current and valid operator's license or identification card issued by the Department of Transportation, together with the elector's name and date of birth, and the Commission is able to verify the information using the electronic system.

Joint Finance/Legislature: Provision not included.

9. STUDENT PROOF OF IDENTIFICATION FOR VOTING

Governor: Modify provisions related to identification cards used for voting to: (a) specify that an expired identification card issued by an accredited university or college may be used if the student provides proof of current enrollment; (b) remove the requirement that a student presenting an unexpired identification card issued by an accredited university or college must establish that he or she is currently enrolled at the university or college; and (c) require that every technical college and University of Wisconsin System institution issue student identification cards that qualify as identification for the purpose of voting no later than August 1, 2021.

The administration indicates that the modifications to student ID requirements are intended to reflect recent federal case law. Under current statute, an unexpired student ID meeting certain criteria may be used for voting if the student also establishes current enrollment. However, in July, 2020, the U.S. Court of Appeals for the Seventh Circuit held that the requirement to present proof of enrollment with an unexpired identification card was unconstitutional and is, therefore, unenforceable. As a result, under current practice, if a qualifying student ID is unexpired, proof of enrollment is not required. However, if the student ID is expired, the voter must also provide a valid proof of enrollment document.

Joint Finance/Legislature: Provision not included.

10. TEMPORARY IDENTIFICATION CARDS FOR VOTING -- VALID PERIOD

Governor: Extend the period for which identification card receipts issued by the Department of Transportation for the purposes of voting remain valid as a temporary identification card, from 60 days to 180 days. [See "Transportation -- Motor Vehicles."]

Joint Finance/Legislature: Provision not included.

11. EARLY CANVASSING OF ABSENTEE BALLOTS

Governor: Authorize municipal clerks and municipal board of election commissioners to begin canvassing absentee ballots the day before an election. Under current law, absentee ballots may not be canvassed until election day.

The early canvassing of absentee ballots would be subject to the following requirements: (a) the municipality must use automatic tabulating equipment to process absentee ballots; (b) prior to early canvassing, the municipality must notify the Elections Commission in writing and must

consult with the Commission concerning administration; (c) early canvassing may be conducted only between 7:00 a.m. and 8:00 p.m. on the day before the election, and ballots may not be tallied until after polls close on election day; (d) members of the public must have the same right of access to a place where absentee ballots are being canvassed early as is provided under current law for canvassing absentee ballots on election day; (e) when not in use, equipment used and the areas where programmed media and absentee ballots are stored must be secured with tamper-evident security seals in a double-lock location; (f) subject to criminal penalty as a Class I felony, no person may act in any manner that would give him or her the ability to know or provide information on the results from the ballots before the close of polls on election day; and (g) certain notices must be provided before each election at which the municipality intends to early canvass absentee ballots. The bill specifies that certain actions required to canvass absentee ballots, such as tallying the returns for each office, may not be completed prior to election day.

Joint Finance/Legislature: Provision not included.

12. CENTRAL COUNTING AT COUNTY SEAT

Governor: Specify that proceedings at each central counting location must be under the direction of the county clerk, or an election official designated by the county clerk, if the central counting location is at the county seat. Under current law, proceedings at a central counting location at the county seat are under the direction of the municipal clerk, or an election official designated by the clerk, unless the municipal clerk delegates the responsibility to supervise the location to the county clerk.

Joint Finance/Legislature: Provision not included.

13. IN-PERSON ABSENTEE VOTING

Governor: Eliminate the restriction on how soon a person may complete an absentee ballot in person and modify the deadline for submitting an absentee ballot in person to 7:00 pm on the Friday before the election. Under current law, an individual may complete an absentee ballot in person no earlier than 14 days before the election and no later than the Sunday before the election.

Joint Finance/Legislature: Provision not included.

14. RESIDENCY REQUIREMENT FOR VOTING

Governor: Specify that an otherwise eligible voter must be a resident of Wisconsin and of the municipality where the elector is voting for 10 consecutive days before an election, rather than for 28 days as under current law.

Joint Finance/Legislature: Provision not included.

15. VOTER BILL OF RIGHTS

Governor: Create a statutory "voter bill of rights" and require that municipal clerks and boards of election commissioners post it at each polling place.

The bill of rights would inform voters that they have the right to: (a) vote if registered and eligible to vote; (b) inspect a sample ballot before voting; (c) cast a ballot if in line when the polling place closes or, if voting by in-person absentee ballot on the last day for which such voting is allowed, when the municipal clerk's office closes; (d) cast a secret ballot; (e) get help casting a ballot if disabled; (f) get help voting in a language other than English as provided by law; (g) get a new ballot, up to three ballots in all, if the voter makes a mistake on the ballot and has not yet cast the ballot; (h) cast a provisional ballot as provided by law; (i) have the voter's ballot counted accurately; (j) vote free from coercion or intimidation; and (k) report any illegal or fraudulent election activity.

Joint Finance/Legislature: Provision not included.