



Legislative Fiscal Bureau

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July 19, 2011

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Government Accountability Board: Section 13.10 Request to Provide Additional Reimbursement Funding for Certain Local Election Administration Costs -- Agenda Item IV

REQUEST

The Government Accountability Board (GAB) requests a transfer of \$7,000 GPR in 2010-11, from the Joint Committee on Finance's GPR supplemental appropriation [s. 20.865(4)(a)] to the Board's GPR election-related cost reimbursement appropriation [s. 20.511(1)(b)] to reimburse qualifying municipalities for the additional costs (or any portion of these costs) incurred to adjust polling hours to begin at 7 a.m., at any election held after April 29, 2006.

BACKGROUND

The Board utilizes the election-related cost reimbursement appropriation to reimburse municipalities for additional costs incurred to adjust polling hours to begin at 7 a.m., at any election held after April 29, 2006. Only municipalities that maintained polling hours beginning later than 7 a.m. prior to April 29, 2006, are eligible to file claims to receive these reimbursements. Any municipal claim must be accompanied by substantiation of all costs incurred. The Board must audit the claim and provide reimbursement if the Board finds that: (a) the costs have been incurred by the municipality; and (b) the costs would not have been incurred but for the requirement to open polling places at 7 a.m.

Under 2009 Act 28, the election-related cost reimbursement appropriation was converted from a GPR sum sufficient appropriation to a GPR biennial appropriation. Funding to the appropriation was reduced by \$115,600 in 2009-10, and by \$60,000 in 2010-11, to reflect reimbursement experience during the 2007-09 biennium. In addition, the appropriation was subject to an across-the-board reduction totaling \$8,200 GPR annually.

The Board originally requested \$7,000 GPR in 2010-11, in supplementation from the Joint Committee on Finance's GPR supplemental appropriation [s. 20.865(4)(a)] to fund polling place reimbursements to municipalities. However, based on updated information on claims filed by municipalities through the end of the fiscal year, the Board now seeks \$5,400 GPR in supplementation in 2010-11.

From the appropriation under s. 20.865(4)(a) of the statutes, the Joint Committee on Finance may supplement state agency GPR appropriations, in accordance with provisions of s. 13.10, if an appropriation proves "insufficient because of unforeseen emergencies" or is "insufficient to accomplish the purposes for which made..." The appropriation has a current total remaining balance of \$1,018,700 GPR. Of this total, \$25,000 GPR is identified as unreserved and \$993,700 GPR has been reserved by the Legislature as follows: (a) \$543,700 GPR for the Department of Corrections associated with possible implementation of the federal Adam Walsh Act; and (b) \$450,000 GPR for the Department of Health Services associated with the Wisconsin Quality Home Care Authority.

Regarding the reserved funding, the Committee should note:

- Under provisions of 2011 Act 10, the Wisconsin Quality Home Care Authority (WQHCA) was repealed. Given that WQHCA no longer statutorily exists, the reserved funding for the Authority (\$450,000 GPR) is available to the Committee for reallocations relating to 2010-11.

- In 2009 Act 28, \$543,700 GPR was placed in the Committee's reserve appropriation for Corrections to request under s. 13.10 after state legislation was enacted to bring Wisconsin into compliance with federal Sex Offender Registration Notification Act legislation (Adam Walsh Act). The changes required by the federal act include adding foreign convictions to the registry, incorporating the federal tier system of classifying offenses, providing more detailed information on the registry, in-person registration verification, and expanding public access to registry information. Reserved funding was intended to address costs for database upgrades including developing applications to add and update required data elements, creating database tables, developing interfaces to internal and external systems, developing additional search capacities, interfacing to an electronic content management system, and project management. To date, state legislation has not been adopted and Corrections has not requested release of any of the funding.

Corrections indicates that it is in the process of working with federal officials to possibly modify federal requirements in such a manner that Wisconsin could become "substantially in compliance" with the Adam Walsh Act provisions. In the event of any modification to the federal requirements, funding would be necessary to achieve "substantial compliance." However, according to the Department, "barring a quick change for this modification it is very unlikely that the Department will be in a position to request the release of that funding before the end of this fiscal year." The fiscal year being referred to is 2010-11.

ANALYSIS

The Board's GPR election-related cost reimbursement biennial appropriation began the current fiscal year with a remaining balance of \$90,300 GPR. The Board provided reimbursements from this appropriation to municipalities totaling \$23,400 GPR for the 2010 fall primary and \$24,300 GPR for the 2010 fall general election. After accounting for these reimbursements, \$42,600 GPR in expenditure authority remained unencumbered under the election-related cost reimbursement appropriation. The remaining 2010-11 reimbursements to be paid out include costs incurred in the spring primary and spring election, and costs incurred for the special elections for Representatives to the Assembly.

The Board's GPR election-related cost reimbursement biennial appropriation has a current balance of \$200. The Board indicates that it has \$5,600 in eligible reimbursement claims from municipalities that have not yet been paid under the program. As a result, based on updated information the Committee could consider providing \$5,400 GPR to the Board's GPR election-related cost reimbursement biennial appropriation to satisfy these remaining obligations under this program.

ALTERNATIVES

1. Approve the request of the Government Accountability Board on a one-time basis to transfer \$7,000 GPR in 2010-11, from the Joint Committee on Finance's GPR supplemental appropriation [s. 20.865(4)(a)] to the Board's GPR election-related cost reimbursement appropriation [s. 20.511(1)(b)] to reimburse qualifying municipalities for the additional costs (or any portion of these costs) incurred to adjust polling hours to begin at 7 a.m., at any election held after April 29, 2006.

2. Transfer \$5,400 GPR on a one-time basis in 2010-11, from the Joint Committee on Finance's GPR supplemental appropriation [s. 20.865(4)(a)] to the Board's GPR election-related cost reimbursement appropriation [s. 20.511(1)(b)] to reimburse qualifying municipalities for the additional costs (or any portion of these costs) incurred to adjust polling hours to begin at 7 a.m., at any election held after April 29, 2006.

3. Deny the request.

Prepared by: Paul Onsager