

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date 6/22/2022</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter EL 6, Correction of Absentee Ballot Certificate Envelopes, EL 6.06</p>	
<p>4. Subject As provided in s. 6.87 (6d), Stats., an absentee ballot may not be counted if the certificate is missing the address of a witness. The Commission formally approved and issued guidance on this topic shortly after the creation of that statutory provision. This emergency rule would formally promulgate that guidance into an administrative rule which authorizes clerks to correct or seek correction of any missing address information for the witnesses signing the certificate on behalf of the voter.</p>	
<p>5. Fund Sources Affected <input checked="" type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected Wis. Stat. s. 20.510</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0.00</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule This rule will mitigate voter disenfranchisement because of relatively preventable clerical errors in a witness address on an absentee certificate envelope. It also defines what precisely an "address" is, as it pertains to the applicable statutory requirements. The Commission determined that clerks must take corrective action in an attempt to remedy a witness address error. If clerks are reasonably able to discern some missing information from outside sources, clerks are not required to contact the voter before making that correction directly to the absentee certificate envelope.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. None, the proposed rule will affect clerks and election officials, although it is likely to provide necessary clarity, authority, and streamline certificate envelope correction processes. The proposed rule will do so by codifying existing practices and will require minimal compliance outreach and training to clerks because of their familiarity with the 2016 guidance. As such, there will be little to no financial impact on local officials or small businesses.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local government units participated in the development of this EIA.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) None. Local clerks and elections officials have likely already been performing these or similar functions, and this codification of the process will not result in additional economic burden.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The Commission formally examined the risk of voter disenfranchisement in light of new statutory requirements, as it</p>	

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pertains to missing absentee ballot certificate information, several years ago. Commission staff were tasked with researching and presenting viable solutions. This review led to the conclusion that many instances of potential disenfranchisement could be avoided through proactive measures by the municipal clerk. The Commission's selected solution was issued in the form of 2016 guidance. That guidance was recently reassessed by the Commission against alternative solutions, and the original guidance was still found to be the best solution. The Commission thereby directed staff to promulgate the guidance into an emergency administrative rule. The alternative to this process is that the clerks and elections officials will not uniformly address certificate issues, and voters may be disenfranchised at a greater rate, while cost and time commitments associated with challenges may also be incurred without the rule.

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**16. Long Range Implications of Implementing the Rule**

The proposed rules do not impose any financial or compliance burdens that will have a significant effect on small businesses or a significant economic impact.

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**17. Compare With Approaches Being Used by Federal Government**

No comparable information is available. This rule strictly applies to Wisconsin laws and procedures.

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**18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)**

See "Comparison With Rules in Adjacent States" in the Commission's order adopting the emergency rule.

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**19. Contact Name**

Jim Witecha, Staff Attorney

**20. Contact Phone Number**

608-266-0136

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### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

N/A

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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