

2003 DRAFTING REQUEST

Bill

Received: 01/11/2003

Received By: jkuesel

Wanted: Soon

Identical to LRB:

For: Administration-Budget 7-0371

By/Representing: Schaeffer

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Elections - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Schaeffer - BB0327,

Topic:

Elections Board appropriation changes

Instructions:

Per attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 01/17/2003	kfollett 01/17/2003		_____			S&L
/1			pgreensl 01/17/2003	_____	amentkow 01/17/2003		

FE Sent For:

<END>

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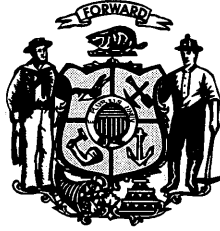
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
17/11	jkuesel	2/17 11/17/03	1/17 PS	1/17 PS/LE			

FE Sent For:

<END>

STATE OF WISCONSIN

JAMES E. DOYLE
GOVERNOR



Date: January 6, 2003
To: Steve Miller, LRB
From: Carole Schaeffer, SBO
Subject: DOA Statutory Language Request

Please draft the following statutory language changes as budget drafts:

1. Create a PR-F continuing appropriation in the Elections Board scheduler in order to receive incoming monies from new federal legislation.
2. Create a PR-O continuing appropriation in the Elections Board schedule in order to receive payments from local governments for the chief inspectors training program pursuant to the 2001 Wisconsin Act 16 and 2001 Act 109. (This is a contingency appropriation to be used only if the federal funds for this requirement are not appropriated by Congress).

Please feel free to call me (267-0371) or e-mail me (carole.schaeffer@doa.state.wi.us) with any questions/concerns.

Thank you,
Carole Schaeffer

Cc: Dan Caucutt

BB D327

2003

Date (time) needed

Soon

LRB-1449, 1

DOA BUDGET DRAFT

JTK:lgf:

Use the appropriate components and routines developed for bills.

>>FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION<<

Do Not Gen

AN ACT ... [DO NOT generate catalog]; relating to: ~~the budget~~ ^{of an} creation of an election administration fund, appropriation of certain federal revenues to the elections board, assessment of municipalities for chief inspector training costs, and making appropriations.

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

insert anal

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

insert a

insert anal

Under the federal Help America Vote Act of 2002, this state is eligible to receive federal financial assistance for the purchase of voting equipment, compliance with federal requirements for the conduct of federal elections and other election administration costs, construction of barrier-free polling places, and outreach and training of election officials to enable greater participation of individuals with

disabilities in federal elections. To be eligible for federal assistance, this state must make a matching contribution equal to at least 5% of the amount of assistance received.

most of this

This bill appropriates to the Elections Board all amounts received by this state from the federal government under this act. ~~any state matching contribution.~~ The bill does not provide

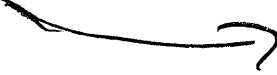
permits
The bill ~~directs~~ the ~~elections~~

board to use ~~the~~ the federal aid to provide financial assistance to eligible counties and municipalities for election administration purposes authorized by federal law. The bill also establishes a segregated fund, as required by federal law, for disbursement of all federal ~~and state~~ moneys to be expended for election administration purposes under the Help America Vote Act.



2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1449/lins2
JTK.....



Currently, no individual may serve as a chief inspector (chief poll worker) at any polling place in this state unless that individual is certified by the state elections board as qualified to carry out the responsibilities of that position. Under current law, the state pays the costs of training and certification of individuals to serve as chief inspectors. This bill permits the elections board to assess municipalities for these costs in an amount not exceeding the proportionate amount of the board's costs attributable to each municipality.

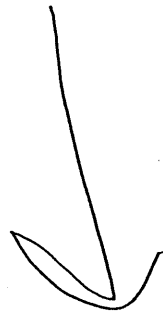
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

end insert anal

insert a

SECTION #, CR; S.05 (11)

- 1 S.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under s.
- 2 20.510 (1) ~~(a), (b), and (c)~~ ^(x), the board ~~shall~~ ^{may} provide financial assistance to eligible
- 3 counties and municipalities for election administration costs (1)



Cont....

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1449/lins
JTK.....

~~SECTION 1~~ 7.31 (5) of the statutes is amended to read:

7.31 (5) The board shall conduct regular training and administer examinations to ensure that individuals who are certified by the board under this section are knowledgeable concerning their authority and responsibilities. The board shall pay all costs required to conduct the training and to administer the examinations from the ~~appropriation~~ appropriations under s. ^{plain - no statute} ~~ss.~~ 20.510 (1) (bm) and (jm).

History: 2001 a. 16, 104.

~~SECTION 2~~ 7.31 (6) of the statutes is created to read:

7.31 (6) The board may assess municipalities for costs incurred by the board in conducting the training and certification program under this section. The amount assessed to any municipality may not exceed the costs incurred by the board that are attributable to that municipality. The board shall credit any moneys received under this subsection to the appropriation under s. 20.510 (1) (jm).

~~SECTION 3~~ 20.510 (1) (bm) (title) of the statutes is amended to read:

20.510 (1) (bm) (title) *Training of chief inspectors; general purpose revenue.*

History: 1973 c. 334 ss. 48, 50; 1975 c. 85; 1977 c. 29, 107; 1979 c. 260; 1983 a. 27, 484; 1985 a. 303; 1989 a. 31; 1995 a. 27; 1997 a. 27, 230; 1999 a. 9, 32; 2001 a. 16, 109.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

~~SECTION 4~~ 20.510 (1) (jm) of the statutes is created to read:

20.510 (1) (jm) *Training of chief inspectors; program revenue.* All moneys received from municipalities for the costs of training of chief inspectors under s. 7.31, to be used for that purpose.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

~~(END)~~
↓

-0610/P4

19 ~~SECTION 119~~ 20.510 (1) (x) of the statutes is created to read:

20 20.510 (1) (x) *Federal aid*. From the election administration fund, all moneys
21 received from the federal government, as authorized by the governor under s. 16.54,
22 to be used for election administration costs under P.L. 107-252.

4 ~~SECTION 121~~ 25.17 (1) (e) of the statutes is created to read:

5 25.17 (1) (e) Election administration fund (s. 25.425);

6 ~~SECTION 122~~ 25.425 of the statutes is created to read:

7 **25.425 Election administration fund.** There is established a separate
8 nonlapsible trust fund designated the election administration fund consisting of all
9 moneys received from the federal government under P.L. 107-252 (1)

(End)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1449/1dn
JTK: *kgf*

Date

Carole Schaeffer:

Most, but not all, of the moneys that may become available to this state under the federal Help America Vote Act of 2002 (P.L. 107-252), require a 5% matching state contribution. Because no such contribution is available under this draft or under current law, the ability of this state to capture most of the moneys that are potentially available to us under P.L. 107-252 is limited. *ae*

Also, in order to receive most of the federal ^{the} moneys, this state is required to adopt an election administration plan. This plan must be adopted through an involved procedure that requires this state: ^aa) to create an advisory council whose membership must be appointed to represent certain interests; ^bb) to hold public hearings; ^cand c) to publish our proposed plan and any significant changes in the ~~Federal Register~~. Because this draft does not provide for this planning process, our ability to capture these federal moneys under P.L. 107-252 may be further limited. *X*

In addition, there are mandatory auditing requirements in connection with receipt of federal aids under P.L. 107-252. ^{if}If there is an audit exception, this state must repay the federal government for any aids that were improperly expended. In order to ensure that these repayments can be made, it would be desirable to create ^{an}an appropriation to repay the federal government for audit exceptions. It might also be desirable to require counties and municipalities to repay this state for any expenditures made with federal aid to which the federal government takes exception. *step-leave capped*

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1449/1dn
JTK:kjf:pg

January 17, 2003

Carole Schaeffer:

Most, but not all, of the moneys that may become available to this state under the federal Help America Vote Act of 2002 (P.L. 107-252), require a 5% matching state contribution. Because no such contribution is available under this draft or under current law, the ability of this state to capture most of the moneys that are potentially available to us under P.L. 107-252 is limited.

Also, in order to receive most of the federal moneys, this state is required to adopt an election administration plan. This plan must be adopted through an involved procedure that requires this state: a) to create an advisory council whose membership must be appointed to represent certain interests; b) to hold public hearings; and c) to publish our proposed plan and any significant changes in the Federal Register. Because this draft does not provide for this planning process, our ability to capture these federal moneys under P.L. 107-252 may be further limited.

In addition, there are mandatory auditing requirements in connection with receipt of federal aids under P.L. 107-252. If there is an audit exception, this state must repay the federal government for any aids that were improperly expended. In order to ensure that these repayments can be made, it would be desirable to create an appropriation to repay the federal government for audit exceptions. It might also be desirable to require counties and municipalities to repay this state for any expenditures made with federal aid to which the federal government takes exception.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1449/1

JTK:kjf:pg

DOA:.....Schaeffer – BB0327, Elections Board appropriation changes
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** creation of an election administration fund, appropriation
2 of certain federal revenues to the Elections Board, assessment of municipalities
3 for chief inspector training costs, and making appropriations.

Analysis by the Legislative Reference Bureau

Under the federal Help America Vote Act of 2002, this state is eligible to receive federal financial assistance for the purchase of voting equipment, compliance with federal requirements for the conduct of federal elections and other election administration costs, construction of barrier-free polling places, and outreach and training of election officials to enable greater participation of individuals with disabilities in federal elections. To be eligible for most of this federal assistance, this state must make a matching contribution equal to at least 5% of the amount of assistance received.

This bill appropriates to the Elections Board all amounts received by this state from the federal government under this act. The bill does not provide any state matching contribution. The bill permits the Elections Board to use the federal aid to provide financial assistance to eligible counties and municipalities for election administration purposes authorized by federal law. The bill also establishes a segregated fund, as required by federal law, for disbursement of all federal moneys to be expended for election administration purposes under the Help America Vote Act.

Currently, no individual may serve as a chief inspector (chief poll worker) at any polling place in this state unless that individual is certified by the state Elections

Board as qualified to carry out the responsibilities of that position. Under current law, the state pays the costs of training and certification of individuals to serve as chief inspectors. This bill permits the Elections Board to assess municipalities for these costs in an amount not exceeding the proportionate amount of the board's costs attributable to each municipality.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.05 (11) of the statutes is created to read:

2 **5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES.** From the appropriation under
3 s. 20.510 (1) (x), the board may provide financial assistance to eligible counties and
4 municipalities for election administration costs.

5 **SECTION 2.** 7.31 (5) of the statutes is amended to read:

6 **7.31 (5)** The board shall conduct regular training and administer examinations
7 to ensure that individuals who are certified by the board under this section are
8 knowledgeable concerning their authority and responsibilities. The board shall pay
9 all costs required to conduct the training and to administer the examinations from
10 the ~~appropriation~~ appropriations under s. 20.510 (1) (bm) and (jm).

11 **SECTION 3.** 7.31 (6) of the statutes is created to read:

12 **7.31 (6)** The board may assess municipalities for costs incurred by the board
13 in conducting the training and certification program under this section. The amount
14 assessed to any municipality may not exceed the costs incurred by the board that are
15 attributable to that municipality. The board shall credit any moneys received under
16 this subsection to the appropriation under s. 20.510 (1) (jm).

17 **SECTION 4.** 20.510 (1) (bm) (title) of the statutes is amended to read:

18 **20.510 (1) (bm) (title)** *Training of chief inspectors; general purpose revenue.*

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 5.** 20.510 (1) (jm) of the statutes is created to read:

2 20.510 (1) (jm) *Training of chief inspectors; program revenue.* All moneys
3 received from municipalities for the costs of training of chief inspectors under s. 7.31,
4 to be used for that purpose.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 6.** 20.510 (1) (x) of the statutes is created to read:

6 20.510 (1) (x) *Federal aid.* From the election administration fund, all moneys
7 received from the federal government, as authorized by the governor under s. 16.54,
8 to be used for election administration costs under P.L. 107–252.

9 **SECTION 7.** 25.17 (1) (e) of the statutes is created to read:

10 25.17 (1) (e) Election administration fund (s. 25.425);

11 **SECTION 8.** 25.425 of the statutes is created to read:

12 **25.425 Election administration fund.** There is established a separate
13 nonlapsible trust fund designated the election administration fund consisting of all
14 moneys received from the federal government under P.L. 107–252.

15

(END)