

BILL HISTORY FOR ASSEMBLY BILL 123 (LRB -2161)

An Act to create 5.05 (11), 20.002 (11) (d) 2m., 20.510 (1) (x), 25.17 (1) (e) and 25.425 of the statutes; relating to: financing of election administration costs, creation of an election administration fund, and making an appropriation. (FE)

2003

03-05. A. Introduced by Representatives Freese, Gunderson, Bies, Vrakas, Hines, Ladwig, Stone, Ott, Hundertmark, Kestell, Albers, Owens, Musser and Ainsworth; cosponsored by Senators S. Fitzgerald, Stepp and Schultz.

03-05. A. Read first time and referred to committee on Campaigns and Elections 91

03-05. A. Fiscal estimate received.

03-05. A. Fiscal estimate received.

03-06. A. Public hearing held.

03-06. A. Executive action taken.

03-10. A. Report passage recommended by committee on Campaigns and Elections, Ayes 6, Noes 0 97

03-10. A. Referred to calendar 97

03-12. A. Read a second time 111

03-12. A. Ordered to a third reading 111

03-12. A. Rules suspended 111

03-12. A. Read a third time and passed, Ayes 97, Noes 0 111

03-12. A. Ordered immediately messaged 111

03-13. S. Received from Assembly 118

03-13. S. Read first time and referred to committee on Education, Ethics and Elections 118

05-02. S. Executive action taken.

05-02. S. Report concurrence recommended by committee on Education, Ethics and Elections, Ayes 7, Noes 0

05-02. S. Available for scheduling.

05-05. S. Placed on calendar 5-5-2003 by committee on Senate Organization.

05-05. S. Emergency statement attached by committee on Senate Organization pursuant to s. 16.47 (2) Wisconsin Statutes. Ayes 5, Noes 0.

05-06. S. Read a second time.

05-06. S. Senate amendment 1 offered by Senators S. Fitzgerald and Welch (LRB a0511).

05-06. S. Senate amendment 1 adopted.

05-06. S. Referred to joint committee on Finance.

05-06. S. Withdrawn from joint committee on Finance and taken up.

05-06. S. Ordered to a third reading.

05-06. S. Rules suspended.

05-06. S. Read a third time and concurred in as amended, Ayes 31, Noes 0.

05-06. S. Ordered immediately messaged.

05-06. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) 197

05-06. A. Senate amendment 1 concurred in 197

05-06. A. Action ordered immediately messaged 198

**2003
ENROLLED BILL**

03en AB-123

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

03 -216/1/1

Amendments to above (if none, write "NONE"): SA1

Corrections - show date (if none, write "NONE"): none

Topic Financing of electron administration
costs

5/7/03 [Signature]
Date Enrolling Drafter

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2003 ASSEMBLY BILL 123

March 5, 2003 – Introduced by Representatives FREESE, GUNDERSON, BIES, VRAKAS, HINES, LADWIG, STONE, OTT, HUNDERTMARK, KESTELL, ALBERS, OWENS, MUSSER and AINSWORTH, cosponsored by Senators S. FITZGERALD, STEPP and SCHULTZ. Referred to Committee on Campaigns and Elections.

g 1-3 (SA)

1 AN ACT *to create* 5.05 (11), 20.002 (11) (d) 2m., 20.510 (1) (x), 25.17 (1) (e) and
 2 25.425 of the statutes; **relating to:** financing of election administration costs,
 3 creation of an election administration fund, and making an appropriation.

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 expenditures from state moneys equal to at least 5% of the amount spent by this state for the same purposes for which federal assistance is 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.

ASSEMBLY BILL 123

2-1 (SAI)

For further information see the *state* 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 m (SAI)

1 SECTION ~~5~~ 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. 20.002 (11) (d) 2m. of the statutes is created to read:

6 20.002 (11) (d) 2m. The election administration fund.

7 SECTION 3. 20.510 (1) (x) of the statutes is created to read:

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

2-10 (SAI)

11 SECTION 4. 25.17 (1) (e) of the statutes is created to read:

12 25.17 (1) (e) Election administration fund (s. 25.425);

13 SECTION 5. 25.425 of the statutes is created to read:

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

17 (END)

**SENATE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 123**

May 6, 2003 - Offered by Senators S. FITZGERALD and WELCH.

1-3

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: after "fund," insert "granting rule-making authority,".

3 **2.** Page 2, line 1: before that line insert:

4 "SECTION 1d. 5.05 (10m) of the statutes is created to read:

5 **5.05 (10m) ALLOCATION OF EXPENDITURES FROM ELECTION ADMINISTRATION FUND.**

6 Prior to expending any moneys from the election administration fund in any fiscal
7 year, the board shall, by rule, specify the moneys to be allocated for each specific
8 purpose from the fund for that fiscal year. The board may promulgate rules under
9 this subsection as emergency rules under s. 227.24, except that any proposed
10 emergency rule shall be filed under s. 227.19 before promulgation. Notwithstanding
11 s. 227.24 (1) (c) and (2), the emergency rules may remain in effect for 180 days or until
12 the date on which permanent rules take effect. Notwithstanding s. 227.24 (1) (a) and
13 (3), the board is not required to provide evidence that promulgating a rule under this

2-1 cont

1 subsection as an emergency rule is necessary for the preservation of public peace,
2 health, safety, or welfare and is not required to provide a finding of emergency for a
3 rule promulgated under this subsection”.

4 **3.** Page 2, line 1: delete “SECTION 1” and substitute “SECTION 1m”.

5 **4.** Page 2, line 10: after “107-252” insert “in accordance with rules
6 promulgated under s. 5.05 (1m)”. 2-10

7 (END)

State of Wisconsin



2003 Assembly Bill 123

Date of enactment:
Date of publication*:

2003 WISCONSIN ACT

AN ACT to create 5.05 (10m), 5.05 (11), 20.002 (11) (d) 2m., 20.510 (1) (x), 25.17 (1) (e) and 25.425 of the statutes; relating to: financing of election administration costs, creation of an election administration fund, granting rule-making authority, and making an appropriation.

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

SECTION 1d. 5.05 (10m) of the statutes is created to read:

5.05 (10m) ALLOCATION OF EXPENDITURES FROM ELECTION ADMINISTRATION FUND. Prior to expending any moneys from the election administration fund in any fiscal year, the board shall, by rule, specify the moneys to be allocated for each specific purpose from the fund for that fiscal year. The board may promulgate rules under this subsection as emergency rules under s. 227.24, except that any proposed emergency rule shall be filed under s. 227.19 before promulgation. Notwithstanding s. 227.24 (1) (c) and (2), the emergency rules may remain in effect for 180 days or until the date on which permanent rules take effect. Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

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

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

SECTION 2. 20.002 (11) (d) 2m. of the statutes is created to read:

20.002 (11) (d) 2m. The election administration fund.

SECTION 3. 20.510 (1) (x) of the statutes is created to read:

20.510 (1) (x) Federal aid. From the election administration fund, all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252 in accordance with rules promulgated under s. 5.05 (1m).

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

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

SECTION 5. 25.425 of the statutes is created to read:
25.425 Election administration fund. There is established a separate nonlapsible trust fund, designated the election administration fund, consisting of all moneys received from the federal government under P.L. 107-252.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].