

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-2500/1	Introduction Number SB-179
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Description
 Deceptive election practices; voter intimidation, suppression, and protection; granting rule-making authority; and providing penalties

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs		5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others 0 <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By CTS/ Nancy Rottier (608) 267-9733	Authorized Signature Nancy Rottier (608) 267-9733	Date 9/8/2009
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Fiscal Estimate Narratives

CTS 9/8/2009

LRB Number	09-2500/1	Introduction Number	SB-179	Estimate Type	Original
Description Deceptive election practices; voter intimidation, suppression, and protection; granting rule-making authority; and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

This bill makes a number of changes relating to the substance of and the enforcement of election laws. It defines certain concepts, creates new categories of prohibited behaviors labeled deceptive election practices and voter suppression, and increases the penalties for certain existing election law violations.

The bill expands the number of actions, both civil and criminal, that could be brought before the circuit courts. Among its provisions are the following:

1. It creates a new civil cause of action that may be brought by "any elector of this state" for enforcement of occurrences or proposed occurrences in violation of certain election laws. The action can be for injunctive relief, a writ of mandamus or prohibition or other equitable relief. (Section 4)
2. It expands the range of activities that would violate the statute on election threats to include "coercion or intimidation" and increases the penalties from a Class I to a Class D felony. (Sections 10 and 15)
3. It creates new prohibitions against deceptive election practices, which includes a broad definition of "election-related information." In addition to the new responsibilities given the Government Accountability Board (GAB) by this section, there are also new felony violations created. (Sections 11 and 14)
4. It creates new prohibitions against voter suppression, including the creation of new felony violations. (Sections 12 and 16)
5. It creates a new misdemeanor violation for municipal clerks or the executive director of a board of election commissioners for failing to comply with the requirements for language, notice or the contents of the manual. (Section 17)

An accurate estimate of the additional costs is impossible with the data available. The GAB has indicated in its fiscal estimate of May 25, 2009 that, in its recent election experience, it has received 10-20 verified complaints in each election. There are 4 separate elections in odd-numbered years and 2 separate elections in even-numbered years.

Additional court proceedings are very likely to be generated under the terms of this bill, but it is impossible to predict how many such criminal or civil actions will be filed in the circuit courts. Some but not all of the GAB verified complaints are likely to result in additional court proceedings. Additional proceedings require additional judge, court reporter, court staff and juror time. These costs are borne by both the state and the county. Besides personnel and juror costs, the counties may also bear additional county jail costs.

Long-Range Fiscal Implications