



## Fiscal Estimate Narratives

GAB 12/28/2011

|  |           |                     |        |               |          |
|--|-----------|---------------------|--------|---------------|----------|
| LRB Number   | 11-0873/2 | Introduction Number | SB-329 | Estimate Type | Original |
| <b>Description</b><br>Restoring the right to vote to certain persons barred from voting as a result of a felony conviction, changing the information required on voter registration forms, and changing voting procedure for certain persons who are convicted of felonies |           |                     |        |               |          |

### Assumptions Used in Arriving at Fiscal Estimate

LRB Number: LRB-11-0873/2

Introduction Number: SB-329

Description: Restoring the right to vote to certain persons barred from voting as a result of a felony conviction, changing the information required on voter registration forms, and changing voting procedure for certain persons who are convicted of felonies

The proposed legislation would disqualify a person from voting when that person is convicted of a felony but only while that person is physically incarcerated for that offense. In addition, a person convicted of a disqualifying offense who is sentenced to probation retains the right to vote unless he or she is confined as a condition of probation. If a person who committed a disqualifying offense is returned to prison, jail or a house of correction after the revocation of extended supervision, or parole or is sent to prison after the revocation of probation, the person loses the right to vote until he or she is released.

The legislation eliminates the requirement that an applicant for voter registration provide any information relating to whether the applicant has been convicted of a felony but retains the requirement that an applicant affirm that he or she is not disqualified on any ground from voting.

The legislation eliminates the requirement that the Department of Corrections provide to the Government Accountability Board (G.A.B.) a list of all living persons who have been convicted of a felony whose civil rights have not been restored. Wis. Stats. § 301.02 (20m).

The legislation eliminates the requirement that the Government Accountability Board provide lists to municipal clerks for use in their office and at their polling places of names of persons who appear on the list provided by the Department of Corrections as ineligible to vote. Wis. Stat. §§ 6.29 (20 (am) and 6.55 (2) (cs). It also eliminates the post-election felon audit required under Wis. Stat. § 6.56 (3m). The legislation also amends Wis. Stat. § 6.36 (1) (a) by eliminating the requirement that G.A.B. record in the Statewide Voter Registration System (SVRS) any information relating to the elector that appears on the list provided to the Board by the department of corrections.

The Government Accountability Board would still retain the legal obligation to mark imprisoned felons as ineligible under federal law. HAVA Section 303(a) (2)(A)(ii)(I) requires coordination with DOC. Although the legislation eliminates the state requirement to mark imprisoned felons as ineligible which is implied in §6.36 (1)(a), the Board is still obligated to mark incarcerated felons as ineligible under HAVA. The Government Accountability Board would not have an obligation to re-activate a person on parole, extended supervision, or probation who is currently marked as inactive in the Statewide Voter Registration System because that person's right to vote is restored by this legislation.

It is the policy of the Board under HAVA Title 3 Section 303(a) (2)(A) the Board would still retain legal obligation to inactivate disqualified felons from the SVRS and ensure that the votes of disqualified felons are not counted. This obligation is similar to the Board's legal obligation to inactivate deceased voters.

Based upon the above stated assumptions, the Government Accountability Board estimates both a potential cost savings and a cost increase for the State.

Decreased Cost to the State:

1) A savings of \$8855.00 per election by eliminating the need for printing and distribution of the lists of felons on probation, parole or extended supervision. The cost for printing and distribution of the lists for the April 2011 Election was \$7355.00 for printing and distribution plus 20 hours of technical staff time at a rate

\$74.00/hr.(\$1480.00), for a total of \$8855.00.

2) A savings of \$4680.00 per election by eliminating the need for Government Accountability Board staff to perform the post-election audit required under Wis. Stat. § 6.56 (3m). This includes 40 hours G.A.B. technical staff time to run the comparison of DOC files to the SVRS election voter history files at a rate of \$74.00/hr.(\$2960.00); and 40 hours of G.A.B. administrative staff time at \$43.00/hr. (\$1720.00) to contact local election officials to verify voter information and communicate with the District Attorneys.

#### Increased Cost to the State:

By eliminating the statutory requirement found in Wis. Stat. § 301.03 (20m) that mandates that Department of Corrections provide the Government Accountability Board a list containing the name of each living person incarcerated for a felony, the Government Accountability Board faces a potential cost of \$12,847.80 per year to obtain a list from the Department of Corrections used to mark incarcerated felons as ineligible voters as required by federal law.

Without the statutory requirement of Wis. Stat. § 301.03 (20m), mandating that the Department of Corrections provide a list of felons to the Board, the Department of Corrections likely would charge for the lists. Under federal law G.A.B. would still need to identify and inactivate ineligible felons in the statewide voter registration list. Currently, the Department of Health Services (DHS) charges the G.A.B. for HAVA required death records that G.A.B. uses to accurately maintain the voter registration list. Currently, G.A.B. is charged \$1070.65 every four months by DHS for the death record files which contain roughly 20,000 records. The Department of Corrections list of felons typically contains 60,000 records. Multiplying the DHS charge of 1070.65 by three, gives an estimated cost of \$3211.95 for four months of required felon files. The total yearly cost to G.A.B. would be \$12,849.80 to obtain a list of incarcerated felons from the Department of Corrections.

Under federal law, the Government Accountability Board still has a legal obligation to identify ineligible felons in the Statewide Voter Registration System (SVRS). Without a statutory requirement that DOC provide a list to the Board, G.A.B. will have to pay for a list from DOC in order to compile and maintain an accurate electronic official voter registration list.

The proposed legislation requires the G.A.B. to endeavor to provide training on the changes to voting rights at least 60 days before the first election that follows the effective date of the legislation. In addition the G.A.B. 131, Voter Registration Form would need to be revised.

A one time cost of \$1100.00 would be incurred for G.A.B. staff to revise the G.A.B. 131 form, develop training materials, and update manuals and post materials to the G.A.B. website (approximately 40 hours of work). A one time cost of \$720.00 would be incurred for four Wisline training sessions for Municipal Clerks and Chief Inspectors at approximately \$180.00 each (One 45 minute call with 40 call lines at \$.10/per minute). Other future training costs would be incorporated into the current Municipal Clerk, Election Inspector training. It would be difficult to calculate what the specific costs would be.

#### Decreased Cost to Local Government:

Under the proposed legislation, because fewer persons would be considered ineligible felons, the number of investigations of illegal voting by ineligible voters would decrease. It is difficult to determine whether there would be a significant reduction in the time spent by municipal clerks and county District Attorneys investigating illegal voting by ineligible felons. The current number of investigations is low, and a reduction in the number of ineligible felons does not directly translate into a significant reduction in investigation time.

None. If this bill becomes law, in the long run, a cost-savings to the agency is expected, especially if the Department of Corrections were mandated to provide lists of felons to the Government Accountability Board without costs.

#### **Long-Range Fiscal Implications**

None. If this bill becomes law, in the long run, a cost-savings to the agency is expected, especially if the

Department of Corrections were mandated to provide lists of felons to the Government Accountability Board without costs.