

Fiscal Estimate - 2021 Session

Original Updated Corrected Supplemental

LRB Number **21-5930/1** Introduction Number **AB-1005**

Description
 maintenance of the voter registration list, training of municipal clerks, data sharing agreements, pre-election procedures, lines at the polls on election day, and granting rule-making authority

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
 - Increase Existing Revenues
 - Decrease Existing Revenues
 - Increase Costs - May be possible to absorb within agency's budget
 - Yes No
 - Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs 3. Increase Revenue
 - Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory
 - 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEGS

Affected Ch. 20 Appropriations

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

ELEC 2/21/2022

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Description maintenance of the voter registration list, training of municipal clerks, data sharing agreements, pre-election procedures, lines at the polls on election day, and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

This bill contains numerous changes and additions to election law, several of which contain additional costs for state and local election officials and some which do not. The provisions that contain a fiscal component are outlined as part of this estimate, while ones that are not discussed should be assumed to either carry no fiscal impact or their costs can be absorbed into the existing WEC budget and functions.

ERIC Mailings

This bill requires the Commission to mail a notice to registered electors for whom the Commission has received reliable information, in particular information from the Electronic Registration Information Center (ERIC), that the electors have moved. The notice must state the source of information that identified an elector's move, and the Commission must change an elector's registration status from active to inactive if the agency's information shows that an elector has moved and has not applied for a continuation of registration within 30 days of the notice being mailed.

The Commission sent out one batch of 341,855 mailers in 2017 and another batch of 232,579 in 2019 to notify individuals that they had been identified by ERIC as having moved. In 2021, the Commission transitioned to a quarterly system, meaning that the Commission sends out mailers in response to the quarterly movers reports that it receives from ERIC. The Commission estimates that the total cost for its quarterly mailers for 2022 will be \$96,600, based on an estimate that we will send approximately 266,000 mailers at a cost of \$0.36 per mailer. Due to the Commission's recent adoption of a quarterly system for these mailers, the Commission does not believe that implementing this section of SB 934 would result in any additional costs to the agency. Currently, municipal clerks determine whether to change an individual's registration status from active to inactive if the mailer is returned as undeliverable and an individual fails to apply for continuation of registration. If this responsibility shifts to the Commission, the Commission believes that staff would be able to implement this change without any additional costs to the agency.

Pre-Test of Voting Equipment

This bill requires that municipal clerks conduct an additional voting equipment test prior to the public test currently required under state law. WEC staff would need to create notifications to clerks, update manuals and trainings, and likely field numerous phone calls. However, since the pre-test required as part of this bill is to be done at the local level by the bill and under current law, anticipated costs to WEC are negligible and could be absorbed by the agency budget.

Local fiscal impact of implementing an additional testing requirement would vary widely. Smaller municipalities such as townships, where only one or two tabulators are used for each election would see a relatively low fiscal impact related to the requirements of this bill. In large municipalities, the fiscal impact would be drastically higher. Whereas small townships have only a few tabulators to test, large cities may have dozens if not hundreds. Each of these tabulators would need to be tested to ensure the programming was accurate. For detailed information on the direct fiscal impact of the testing requirements of this bill, outreach would need to be conducted with local clerks and election officials.

Internet Connectivity and Implementation of New Voting Equipment

In its current form, this bill states that "no voting machine, electronic voting system, or automatic tabulating equipment, and no component of any such machine, system, or equipment, may be connected to the Internet for any purpose." However, absent a formal statutory definition of what constitutes a voting system component being connected to the internet, charting a definitive path forward may prove difficult. It is possible that some electronic voting system components currently certified for use in Wisconsin that are capable, via internal or external modem, of transmitting election results from the polling place to the office of the County Clerk could lose state certification depending upon whether or not they would be deemed to be capable of connecting to the internet. Should this not be addressed in statute, it would fall to the Elections Commission to determine a definition.

As part of the Wisconsin state certification for an electronic voting system, stipulations are included requiring that all programs non-essential to the operation of the voting system be removed from the county-based election programming computer. This includes any internet applications. Such voting systems, in the office of the county clerk, are housed on a segregated network behind a separate firewall. Furthermore, any voting system capable of transmitting and receiving unofficial election night results must remain in a non-connected state except what is required to conduct pre-election testing and election night results transmission.

There are currently five voting systems fielded in Wisconsin that are capable of transmitting election night results between the polling place and the office of the County Clerk. In all of these systems, the unofficial results that are transmitted are part of an encrypted data packet which is then sent via cellular signal to the county office. Prior to proceeding through the county and voting system firewalls, this data packet must be authenticated and have a matching encryption key. Four of these five systems, despite using encrypted data packets for the results, rely upon cellular signal in order to complete the transmission. The fifth also uses encrypted data packets for the results but send the transmission via cellular VPN. Approximately 350 municipalities throughout Wisconsin utilize a voting system capable of sending results via cellular VPN. Roughly 350 further municipalities utilize one of the four voting systems that rely upon cellular signal to transmit encrypted, unofficial results from the polling place to the county, where they are decrypted.

Should the use of this public cellular or VPN cellular signal in the transmission of encrypted unofficial results be deemed an internet connection, these 700 municipalities could be required to purchase new voting equipment or have the modem components removed from their existing machines. This may necessitate additional voting equipment expenditures either in the form of ongoing costs for additional programming for currently approved systems or new equipment purchases that support the use a different transmission method or that do not utilize modems. It is currently unknown what those potential costs would be to the counties and municipalities as vendor charges often vary depending on the amount of equipment purchased and any other service rendered.

Training

Upon review by staff of the cost of having a county clerk provide training for and possibly take over the municipal clerk's duties for an election, it is clear the fiscal burden will be on the municipality. WEC staff reviewed costs reported by local election officials for representative statewide elections, including available data for statewide special primaries and elections. The median salary for a county clerk in Wisconsin is \$41,000 + fringe, per year which comes out to \$19.71 per hour. The hourly pay ranges as high as \$38.46 per hour and as low as \$8.17 per hour (based on a 40-hour work week).

If the county clerk were simply able to provide the required three hours of training to the municipal clerk, the cost would be \$59.13. This does not cover materials costs, prep time, or mileage to and from the training location.

Were the county to assume the duties of the municipal clerk, the costs increase exponentially. Assuming the county clerk would need to work a minimum of 20 hours per week leading up to the election, the cost to the municipality would be \$394.20 for each week. And assuming the county clerk had work 40 hours on election week, the cost would be an additional \$788.40. These amounts do not include the cost of fringe benefits or mileage rates for the county clerk to get to and from the municipality.

Long-Range Fiscal Implications