

Fiscal Estimate Narratives

ELEC 3/31/2021

LRB Number	21-2033/1	Introduction Number	SB-212	Estimate Type	Original
Description defects on absentee ballot certificates, certain kinds of election fraud, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

The proposed legislation adds additional restrictions to activities of election officials: No election official may intentionally assist or cause the casting or counting of a vote or the receipt of a registration that the election official knows is invalid; intentionally assist or cause a vote or registration to be rejected when the election official knows the vote or registration is valid; intentionally fail to promptly report election fraud committed by another election official. Violation of these new provisions could subject the election official to a fine not to exceed \$10,000.

The proposed legislation requires that if a municipal clerk receives an absentee ballot with in improperly completed certificate or with no certificate, the clerk must return the ballot to the voter by providing the original ballot and envelope with a new envelope if necessary and post a notification of the defect on the voter's voter information page in MyVote. The proposed legislation also prohibits the clerk from correcting a defect in the certificate.

Addition of New Prohibited Practices, Penalties – Election Officials:

The largest impact would be updating any existing materials that outline election fraud violations and penalties that could be committed by an election official. Such changes would be part of normal updates to Elections Commission manuals or communications where necessary as well as including some topics in training materials or presentations for local election officials. Since these would be routine updates to materials as a result of statutory changes, there would be minimal to no fiscal impact as a result of these changes.

Minimal to no fiscal impact for additions of new prohibited practices for election officials and associated penalties.

Absentee Ballot Certificate, Return to Voters:

In preparation of the fiscal estimate, WEC staff reviewed the number of absentee ballots that were marked as rejected in the WisVote system for an insufficient absentee certificate at the November 2020 General Election. This number would provide the minimum number of absentee ballot envelopes that clerks would now be required to return back to the voter under the proposed legislation. The number of ballots that need to be returned due to a certificate issue will fluctuate depending on the number of absentee ballots issued which changes from election to election. WEC staff also assumed that the clerk would return each ballot back to the voter to correct the certificate along with a new postage paid return envelope via U.S. Mail. This would require municipalities to assume the postage cost for two mailings with each ballot they are required to return to the voter. One envelope and postage to return the ballot back to the voter and the same for the voter resubmitting the corrected certificate. The requirement to post information about the defect on the MyVote website for the voter should not have an increase in cost as that functionality is already built into the MyVote system. Voters are currently alerted if an issue is discovered with their absentee ballot after it has been submitted to the clerk.

The average cost to send an absentee ballot to a voter is \$.51. The prepaid envelope provided by the municipal clerk for a voter to return the absentee ballot is \$.51. Therefore, the operation of returning an insufficient absentee ballot certificate back to a voter, who then completes the certificate and places it in the prepaid envelope and sends it in the mail is a minimum total of \$1.02 per transaction. At the November 2020 General Election 1,434 absentee ballots were rejected due to an insufficient certificate. At a cost of \$1.02 per transaction, clerks would have spent at a minimum an \$1,462.68 statewide. The 1,434 rejected number does not take into account ballots that were sent back to voters and were corrected prior to the November 2020 General Election. That number is not tracked and is therefore unknown. This estimate only includes the expected postage costs and does not include other potential cost items, such as envelope costs and administrative time spent preparing mailing and completing required data entry.

Total Minimum Cost to Local Clerks to Return Ballots: \$1,462.68

Long-Range Fiscal Implications