

### Fiscal Estimate - 2021 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>21-2284/1</b>	<b>Introduction Number</b> <b>SB-214</b>
<b>Description</b> early canvassing of absentee ballots, issuance of presidential ballots, combined polling places, timeline for sending or transmitting absentee ballots, nomination papers for certain independent candidates, and providing a penalty	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease 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 type="checkbox"/> Decrease Costs
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input checked="" type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
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<b>Date</b>	
2/21/2022	

## Fiscal Estimate Narratives

ELEC 2/21/2022

LRB Number	21-2284/1	Introduction Number	SB-214	Estimate Type	Original
<b>Description</b> early canvassing of absentee ballots, issuance of presidential ballots, combined polling places, timeline for sending or transmitting absentee ballots, nomination papers for certain independent candidates, and providing a penalty					

### 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.

#### Absentee Ballot Canvassing

This bill authorizes a municipality to begin processing absentee ballots voted by mail and during the in-person absentee voting period on the last business day prior to election day. Any interested municipality would be required to adopt a resolution authorizing this option and the Elections Commission must certify that the municipality is capable of implementation prior to the ordinance taking effect. Absentee ballot processing would be restricted to the hours between 7:00 a.m. and 10:00 p.m. and would allow for the use of electronic tabulation equipment. The bill also outlines security procedures for the voting equipment and ballots used during early processing and requires the location and hours of early absentee processing to be posted by public notice. The bill also creates a criminal penalty for anyone who acts in a manner that would give them the ability to know or provide information about the vote totals of ballots processed early and restricts the tallying of votes until after the polls close on election day.

In constructing this estimate, the Wisconsin Elections Commission (WEC) made assumptions as to the responsibilities that would be assigned to the agency when implementing the law. The WEC assumes that the proposal requires the WEC to develop a process through which municipalities apply for certification to use the early canvassing process. Once the process is developed, the WEC would then be responsible for examining and approving applications and ordinances received from municipalities. It is also assumed that the WEC will prescribe the administrative process for early canvassing and develop training for municipalities. Because early absentee canvassing is optional to municipalities and the WEC does not have data on municipal costs to administer early canvassing, no exact municipal costs are outlined in this estimate.

The WEC believes that these new responsibilities are similar to routine procedures currently administered by the agency and any costs associated with implementing requirements under this bill, including the update of existing training materials and resources, can be absorbed into the current agency budget.

#### Municipal Implementation Costs and Long-Term Cost Savings of Early Absentee Canvassing

While the WEC does not know the direct impact on local governments, it is assumed that there will be some costs to municipalities who choose to implement early absentee canvassing as well as potential long-term cost savings to municipalities.

Because the early canvassing process is optional for municipalities and no municipality would be required to use the process, the WEC assumes that the municipalities would analyze the fiscal impact of early canvassing on their jurisdiction before opting to use the process. It is assumed that during that decision-

making process municipalities will weigh cost along with other factors when making a decision on the suitability of early canvassing for their jurisdiction.

Municipalities may have to hire additional staff as they will have to devote staff and resources to both early canvassing and preparations for election day. Early canvassing duties would also require tasks that would have to be staffed and accounted for such as the posting of a statement that shows the number of absentee ballots that the board has canvassed and the number of absentee ballots remaining to be canvassed. This specific requirement is similar to current statute for central count municipalities that requires similar information be posted on 8:00 p.m. on election day, so it is unclear if requirements such as these would add any additional costs for municipalities who already centrally count absentee ballots.

Municipalities who use the early canvassing option may also have to upgrade to voting equipment that can support processing ballots prior to election day or they may need to purchase additional tabulators or memory devices to accommodate absentee ballot processing. All voting equipment used in an election must be publicly tested no sooner than ten days prior to each election and assumed that increased time may be required to accommodate the enhanced pre-election voting equipment testing and security protocols. Senate Bill 214 also imposes specific security requirements related to tabulating equipment used for early canvassing, and requires the absentee ballot board of canvassers to check and record the status of tamper-evident seals on equipment and storage areas before resuming its canvass on Election Day. If the board discovers evidence of tampering, it cannot resume the canvass until after the equipment is replaced and tested. If the board discovers evidence of tampering at a later time, after the election, the municipality must conduct a recount and audit the election equipment to verify the accuracy of the absentee ballot count during the election. If needed this requirement would require the municipality to incur costs related to staffing and conducting any recount mandated by this bill.

After the public test, the election day memory device is required to be sealed in each machine and secured until the polls close on election day. Under this bill, election results cannot be generated until after the polls close at 8:00 p.m. on election day. Memory sticks could be removed from the machines used during early canvassing if all absentee ballots were done being processed and those machines could be repurposed for election day use. They would still be subject to public test requirements and those requirements coupled with uncertainty over ballot processing completion times would create uncertainty as to the availability of those machines for election day.

If this bill were to be amended to restrict the use of voting equipment until election day, the fiscal considerations outlined above would no longer be relevant.

The WEC also assumes that municipalities who opt to use the early absentee canvassing process may experience a decrease in costs associated with election day absentee ballot processing on an ongoing basis. Under the current law, absentee ballots may only be processed at the polls or at a central count facility on election day and that restrictive window has required additional municipal time and resources due to the increased popularity of absentee voting in recent years. It is assumed that municipalities who choose to use the early absentee canvassing process may see a decrease in the number of poll workers and staff hours needed to process absentee ballots at the polls or at their central count facility on election day. In addition, the bill requires that if the absentee ballot board of canvassers conducts early canvassing on the day before the election, it must adjourn by 10:00 p.m. and reconvene at 7:00 a.m. on Election Day meaning that absentee ballot canvass would not need to be completed on the day before election day. This bill would allow municipalities who use early canvassing to spread absentee ballot processing across two days and would provide them with more flexibility on how they deploy their resources on election day.

#### Ballot Deadline Changes

Under the bill, a municipal clerk must send or transmit an absentee ballot for all primaries and elections, regardless of the type of primary or election, to military and overseas electors no later than the 45th day before the primary or election or, if the request is not made before that day, within one business day after the request is received. That 45th day timeline is consistent with federal law.

The current timeline in between the Spring Primary and Presidential Preference Vote and Spring Election does not allow for the primary to be certified and ballots to be printed in time to meet the 45-day federal deadline to send ballots to military and overseas voters, as required by federal law. State law currently requires ballots to be sent to all voters with active absentee requests on file 47 days prior to the Presidential preference Primary. Compliance with this statute means all voters with active absentee requests on file by the 47th day prior to the presidential preference primary, not just military and overseas voters, will receive two ballots for that election. The first ballot would contain only the contest for the presidential preference primary as those candidates are determined in January of a presidential election year. All voters, except for permanent overseas voters who are only eligible to vote in federal contests, would receive a second ballot after the spring primary was certified containing all of the contests for the spring election.

Currently, the cost is, on average, \$.75 per ballot packet mailed out due to the size and number of pages included. Clerks are also required to provide postage for the voters to return their ballots which costs \$.51 for bulk first-class mailings. For the 2020 Presidential Preference Primary 5,504 ballots were issued to military and overseas voters, while 2,917 were issued for the 2016 Presidential Preference Primary. Under this bill, only military and overseas voters would need to be issued two ballots for the Presidential Preference Primary and all other voters with requests on file would need to be mailed their ballot 21 days prior to each election. Municipalities would experience an expected cost savings due to the limited number of voters who would require multiple ballots. They would save costs on ballot printing, postage and administrative costs for organizing and processing multiple ballots for each absentee voter with an active request on file by the deadline.

#### Other Changes Included in the Bill

Senate Bill 214 also makes changes relating to presidential-only ballots and circulation of nomination papers by independent presidential candidates and these changes would require edits to agency training materials and the administration of the candidate filing deadline for the presidential election cycle, but these changes could be absorbed into the existing agency budget.

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