

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-5532/1	Introduction Number SB-873
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Description
 restoration of the right to vote to a person barred from voting as a result of a felony conviction

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 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 checked="" type="checkbox"/> No Local Government Costs		
<input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	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 <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<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 checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	20.410(1)(b)

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 3/25/2022

LRB Number	21-5532/1	Introduction Number	SB-873	Estimate Type	Original
Description restoration of the right to vote to a person barred from voting as a result of a felony conviction					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person convicted of treason, felony, or bribery may not vote unless the person's right to vote is restored through a pardon or through completion of the term of imprisonment, including parole or extended supervision, or probation for the crime that led to the disqualification.

Under this bill, in addition to completing his or her term of imprisonment or probation for the crime, a person must have paid all fines, costs, fees, surcharges, and restitution, and have completed any court-ordered community service, imposed in connection with the crime.

Under current law, the Department of Corrections (DOC) includes information regarding the restoration of voting rights on the discharge certificate it mails to clients when they are discharged from DOC supervision. When a client is discharged, DOC turns over any unpaid court obligations, including restitution, into a civil judgement that the courts then collect. Unpaid DOC Division of Community Corrections (DCC) fees are submitted to the Department of Revenue (DOR) for collection. Post-discharge, DOC only tracks the repayment of DCC fees by former clients.

This bill requires either DOC or the Wisconsin Elections Commission (WEC) to inform a person convicted of treason, felony, or bribery when their right to vote is restored, which under this bill would not occur until after said person has paid all financial obligations and completed any court-ordered community service imposed in connection with their crime. The bill does not specify when DOC, as opposed to WEC, would be responsible for sending that notification.

Under current law, jailers are required to send voting rights restoration notices to persons sentenced to a county jail or house of corrections, while DOC is required to send notifications to other persons (i.e. those sentenced to state incarceration and/or state supervision). Because the bill does not specify which groups of people DOC, as opposed to WEC, would be responsible for notifying, for the purposes of this fiscal estimate it is assumed that DOC and WEC would institute the same state/local division of responsibilities that exists for DOC and jailers under current law. As such, this fiscal estimate assumes that DOC would be responsible for notifying persons sentenced to state incarceration and/or supervision, while WEC would be responsible for notifying persons sentenced to local detention. If in practice a different division of responsibilities between DOC and WEC was instituted, the fiscal impact of the bill on DOC would correspondingly vary from the estimate outlined below.

Under current practice, DOC staff check the repayment status of court-ordered financial obligations owed by a client 90 days before that client is scheduled to be discharged from DOC supervision. If the client has any outstanding financial obligations, DOC staff submit to the court a request for a civil judgement, under which at or after the time the client discharges, their financial obligations will be owed to the court, rather than to DOC. After these financial obligations become a civil judgement, DOC ceases tracking them.

Between 2016 and 2021, each month DOC discharged on average 1,171 persons from state supervision, or directly from state incarceration in cases where a person wasn't sentenced to a subsequent term of state supervision, who had outstanding financial obligations, which may be court-ordered charges and/or outstanding division fees (such as supervision and GPS fees). Per the above assumption that DOC would be required to notify all persons discharging from state incarceration or state supervision, under this bill DOC staff would therefore need to check the repayment status of roughly 1,171 discharging persons each month.

In 2020, 18,878 individuals were discharged from DOC, of which 13,786 (73.0%) owed some form of financial obligations at the time they discharged. Of those 13,786 discharged individuals, 5,504 (39.9%) owed court-ordered obligations on at least one case at the time they discharged, and 12,077 (87.6%) owed financial obligations unaffiliated with a case (generally supervision fees). 3,795 (27.5%) had both case-related and unaffiliated financial obligations at the time they discharged.

Tracking the repayment status of court-ordered financial obligations owed by discharging persons would have a significant staff-time impact on DOC, since DOC staff would need to manually check both DOC's Wisconsin Integrated Corrections System (WICS) as well as the Circuit Court Access Program (CCAP) system for each discharged person's repayment status. An individual may have multiple cases, which would have to be checked separately in CCAP. DOC estimates that on average it would take roughly 20 minutes for staff to check the repayment status of each discharging person who has no more than 3 cases, with additional time required for persons with more than 3 cases.

DOC staff would also need to check whether discharging or discharged clients have any outstanding division fees. Currently, DOC submits division fees to the Department of Revenue (DOR) for collection either when an active client's fee balance reaches a certain threshold, or else 30 days after the client discharges. If a discharging client's unpaid division fees had been submitted to DOR, DOC staff would need to check their repayment status at the time they discharge. Additionally, DOC would need to continually recheck a discharged client's division fee repayment status until the fees have been paid. Each check of a discharging client's division fee repayment status is estimated to take approximately 3 minutes of staff time.

Given those assumptions, based on the aforementioned 2020 statistics DOC estimates that checking the repayment status of discharging persons would amount to an additional workload of 1.17 FTE. However, not included in that staff time estimate is the impact of DOC needing, under this bill, to continually recheck the repayment status of discharged individuals who haven't fully repaid all financial obligations at the time they discharge. As noted previously, about 73.0% of individuals discharging in 2020 had not paid off all financial obligations by the time they discharged, and for each person who hadn't done so, DOC would need to conduct the same repayment status check outlined above, on a periodic schedule (this estimate assumes one status check per month), until the person has fully repaid their obligations.

DOC is unable to estimate how long repayments will be required after a person is discharged from supervision and still has financial obligations. This is due to the fact that DOC does not have authority over clients once they are discharged, and financial obligations after discharge are tracked by the courts through civil judgments, and not by DOC. For every 1,000 additional discharged persons whose repayment status DOC would need to recheck each month (on top of checking newly-discharging persons' repayment status), the additional staff time required would amount to approximately 2.21 FTE. (That estimate assumes that the 1,000 discharging persons needed to have both their case-related repayment status and their supervision fee repayment status checked, and that they didn't have more than 3 cases with outstanding obligations).

Sending notifications to discharged clients once their voting rights are restored would further impact DOC staff-time. Under current law, discharging clients have their voting rights restored at the time they discharge, and as such DOC includes the required voting rights restoration notification in the discharge packet given to clients. However, under this bill, DOC would need to defer that notification for any discharging client who hadn't yet repaid their financial obligations. Instead, DOC would eventually mail those individuals a separate notification, once DOC has verified that they have met their obligations and thus have had their voting rights restored.

DOC estimates that the process of generating a notification letter, labeling it, and mailing it to a discharged client would take roughly 15 minutes of staff time. DOC would additionally pay \$0.45 per first class letter that is mailed out. Because DOC cannot estimate how long it will take discharged clients to repay their financial obligations (and thus qualify under this bill to have their voting rights restored), DOC cannot estimate how many staff would be needed for these mailings, nor how much would need to be spent on postage. For every 1,000 notifications sent per month there would be a staff time impact of approximately 1.44 FTE, and a postage cost of \$450.

A complication, however, is that individuals are not required to maintain up to date mailing addresses with DOC after they discharge from state supervision, and thus some of the voting rights restoration letters that DOC sends may be returned to the Department as undeliverable. DOC presently uses CLEAR, an investigation software product, to look up a discharged person's address after receiving mail back as undeliverable. For each case in which a voting rights restoration notice was returned as undeliverable, DOC staff would need to research the client to find their current address, and then readdress and resend their notification letter, which would have a combined staff time impact of about 10 minutes, and an additional postage cost. DOC would likely need additional CLEAR licenses to accommodate the added investigatory workload. Each CLEAR license costs roughly \$100 per month.

All in all, DOC would need several additional Financial Specialist-Senior positions to handle the added workload required under this bill. However, due to the various uncertainties outlined above, DOC is unable to estimate a specific number of additional FTE positions. Each 1.00 FTE full-time Financial Specialist-Senior position would have an annualized cost of \$71,000 GPR, with one-time costs of \$9,600 GPR.

DOC would additionally incur some cost in updating various documents, such as release forms, discharge certificates, and Offender Handbooks, to reflect the bill's changes. To update surplus Offender Handbooks stored in DOC's Forms Center, DOC would print addendum pages to include with the handbooks, at a negligible cost. Any surplus Offender Handbooks at DCC Field Offices would be updated with addendum pages printed at those offices, at a likely negligible cost. Because future copies of the Offender Handbook would incorporate the bill's changes without the need for addendum pages, this bill would likely have little or no recurring fiscal impact with respect to the handbook. The precise cost of updating other documents to reflect the bill's changes is indeterminate.

As stated previously, this fiscal estimate assumes that WEC would be responsible for notifying persons released from local detention when, under this bill, their voting rights are restored. This would require WEC to monitor the status of persons released from local detention who, due to having outstanding financial obligations and/or incomplete community service terms at the time of their release, don't have their right to vote restored at the time of their release. Given that assumption, DOC does not anticipate this bill would have any significant fiscal impact on local governments, as it simply shifts the notification requirement from jailers to WEC. In order to assist WEC in carrying out that responsibility, the counties would likely need to establish a mechanism to inform WEC of the release of persons from local detention, if such a process is not already in place.

Long-Range Fiscal Implications