STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis ☒ Original ☐ Updated ☐ Corrected	2. Date 3/20/24

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
Proposed Chapter EL 4 - Election Observers

4. Subject
The conduct, regulation, and accomodation of election observers

5. Fund Sources Affected ☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	6. Chapter 20, Stats. Appropriations Affected Wis Stat. 20.510 Elections Commission

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☐ Specific Businesses/Sectors
☒ Local Government Units ☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$ 0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
Currently, there are no administrative rules regarding election observers, and municipalities use Commission guidance instead to help administer election observation. The proposed rule would add clarity and bring uniformity to the processes around election observeation, incluing checking in as an observer, conduct of observers, election officials selecting observer areas, providing information to observers, and managing observers alongside other election responsibilities.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
Members of the Commission's advisory committee on election observers and all Wisconsin municipal clerks were contacted for comments.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
Clerk McMenamin of the City of Racine submitted a comment disagreeing with the Commission's draft EIA concerning a fiscal impact of allowing observers the same access to restrooms as is provided to election officials, and requested to coordinate with the Commission on the final EIA. Clerk McMenamin appeared during the March 20, 2024 Commission meeting and presented her disagreement and suggestions to the Commission. The Commission considered the comments but did not change its opinon concerning the economic impact of the proposed rule.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
There will be little to no economic and fiscal impact on buisnesses, buisness sectors, public utilitiy rate payers or the state's economy as a whole due to the implementation of this proposed rule. Local government units, specifically all municipal clerks, will need to use these rules to train election officials concerning election observation, and take the time to establish observer areas and prepare observer materials. However, as election observation and training of election inspectors already occurs, this rule should merely standardize and clarify existing processes, rather than require additional resources. Municipal clerks do not need to hire any new staff to implement the procedures.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The main benefit of implementing this rule is that all Wisconsin municipalities would be bound by its provisions, bringing a common understanding to the process of election observation, and reducing the differences that may exist in practices across different municipalities. Having election observation be relatively uniform statewide should allow voters, election officials, and observers to know what to do and what to expect. Everyone having an opportunity to know what the rules are should facilitate smooth elections. There is no clear alternative to implementing this rule other than not implimenting it and remaining with the status quo, in which all clerks may use Commission guidance, but must make their own decisions about how to carry out the very general requirements of section 7.41, Stats.

16. Long Range Implications of Implementing the Rule

These rules will allow each municipality to create uniform practices for election observation. There should be increased confidence that observing elections looks the same across the state, and that election officials know what they need to do and observers know what they are able to do. This should add stability to the process and may increase confidence in elections due to the knowledge that there is a fair method to observe how voting was carried out locally.

17. Compare With Approaches Being Used by Federal Government

The Federal Government does not implement a specific approach to election observering as they vest those powers to the states to decide individually.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

The qualifications and credentials needed to become an Election Observer in Illinois, Iowa, and Minnesota are outlined in statutes that differ greatly from section 7.41, Stats. In addition to putting both the rights and needed qualifications in statute, the state of Iowa has its "poll-watching" parameters set both in statute and a guide prepared by the Office of the Iowa Secretary of State while Michigan details its rules and paramaters strictly in a document provided by the Michigan Bureau of Elections and ratified by the State of Michigan's Secretary of State. Michigan and Minnesota differentiate the qualifcations and duties for being able to poll-watch from the ablility to challenge an election.

19. Contact Name	20. Contact Phone Number
Brandon Hunzicker	608-267-0714

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ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There should be no economic or fiscal impact on small buisnesses from the implementation of this proposed rule.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements

☐ Less Stringent Schedules or Deadlines for Compliance or Reporting

☐ Consolidation or Simplification of Reporting Requirements

☐ Establishment of performance standards in lieu of Design or Operational Standards

☐ Exemption of Small Businesses from some or all requirements

☒ Other, describe:

None of these methods were considered since nothing in the rule places any burden on small businesses.

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

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5. Describe the Rule's Enforcement Provisions

N/A

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes   ☒ No