

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis ☒ Original ☐ Updated ☐ Corrected	2. Date 8/1/2024
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter EL 13, Training for Election Inspectors and Sepecial Voting Deputies (SVDs)	
4. Subject The proposed administrative rule will codify training standards for election officials that currently only exist as recommendations in Wisconsin Elections Commission manuals. The proposed rule provides specific substantive training requirements for election inspectors and special voting deputies and establishes requirements for how frequently election officials must attend training to maintain their certification. The proposed rule assigns responsibility for training election officials to municipal clerks. The proposed rule does not mandate that municipal clerks use Wisconsin Elections Commission materials for training, but requires all training materials or summaries to be submitted to the Wisconsin Elections Commission for review and approval prior to training.	
5. Fund Sources Affected ☒ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	6. Chapter 20, Stats. Appropriations Affected Wis. Stat. s. 20.510
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). \$0.00	
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 The proposed rule was initiated as part of the Commission's response to a Legislative Audit Bureau directive. Currently, the Commission provides training guidance in comprehensive manuals that clerks utilize to train their election officials and SVDs. The proposed rule will codify that guidance to give it the force of law in order to standardize training requirements for election officials statewide.	
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. None, the proposed rule will affect clerks and election officials, although it is likely to provide necessary clarity and authority with respect to training requirements. The proposed rule will do so by codifying existing practices and will require minimal compliance outreach and training to clerks because of their familiarity with the Commission's existing guidance on election official training. As such, there will be little to no financial impact on local officials or small businesses.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local government units participated in the development of this draft EIA.	
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) None. Local clerks and elections officials have likely already been performing these or similar functions, and this codification of the process will not result in additional economic burden.	

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

The greatest benefit to implementing the rule is the codification of training standards for election officials. The rule will provide substantive training requirements, and specifies how frequently that training must be completed. Both of these rule features will bring uniformity to the training of election officials statewide, and will ensure that all Wisconsin election officials are completing regular training.

16. Long Range Implications of Implementing the Rule

The proposed rules do not impose any financial or compliance burdens that will have a significant effect on small businesses or a significant economic impact.

17. Compare With Approaches Being Used by Federal Government

The Help America Vote Act (“HAVA”) provides that States shall use funds provided under HAVA to perform various federal election-related functions, including training election officials, poll workers, and election volunteers. 42 U.S.C. §§ 15301(b)(1)(D), 15421(b)(2). HAVA also provides that State plans for administering federal elections must include information about how the “State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State” in administering uniform and nondiscriminatory elections. 42 U.S.C. § 15404(a)(3). Finally, HAVA also provides funds to states to “support training in the use of voting systems and technologies[.]” 42 U.S.C. § 15461(c)(1)-(2).

The proposed rules are consistent with these federal provisions, and such rule would help the Commission further effectuate these federal requirements as well as the state statutory requirements under Wis. Stat. § 7.315.

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

Illinois requires election officials to undergo training from either a city, village or incorporated town Board of Election Commissioners or, in the case of unincorporated towns, a County Clerk. 10 ILCS 5/6-21, 13-2.1, 14-4.1. Training for election officials must involve at least four hours of instruction and a final exam which tests basic literacy and math skills as well as knowledge of election laws. 10 ILCS 5/14-4.1, 13-2.1, 13-2.2. The State Board of Elections is required to distribute a manual which local Boards of Election Commissioners and County Clerks shall use to prepare their own training courses. 10 ILCS 5/1A-8(3). All changes to the manual made by local Boards of Election Commissioners or County Clerks must receive approval from the State Board. Id. While Illinois has not codified its specific training requirements in an administrative rule, the training provided in the State Board of Elections manual is in line with the training requirements imposed by the proposed administrative rule. In addition, the proposed rule provides the Wisconsin Elections Commission with review and approval powers substantially identical to those of the Illinois State Board of Elections.

Iowa County Auditors serve as Commissioners of Elections and are required to conduct a training course for all election personnel no later than the day before an election. The Iowa Secretary of State serves as the State Commissioner of Elections and is required to both provide a training manual for commissioners and promulgate administrative rules outlining instruction requirements for election officials. IOWA CODE § 49.124, 49.126. At this time, however, the Secretary of State has only promulgated a rule requiring the state commissioner to “create and maintain training materials for poll workers related to voter identification and the use of electronic poll books.” Iowa Admin Code r. 721.21.76. The general election official training manual is not readily accessible on the Iowa Secretary of State’s website, but a 2020 version can be found on the Mahaska County website. https://www.mahaskacountyia.gov/files/auditor/peo_guide_2020_53625.pdf. The training provided by the 2020 manual is in line with the training required by the proposed administrative rule, and there is no reason to suspect that training standards in Iowa have radically deviated from Wisconsin since.

The Michigan Director of Elections is responsible for conducting training schools throughout the state before each November election for county clerks. Mich. Comp. Laws § 168.33(1). The Director of Elections is also responsible for year-round training of all county, city, and township clerks who are involved in the training of precinct inspectors, as

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well as all precinct inspectors in counties where no clerk has been accredited to conduct training schools. Mich. Comp. Laws § 168.33(2–3). County, city, township, and village clerks are required to complete continuing election education training once every 2 years to maintain accreditation as a clerk. Mich. Comp. Laws § 168.33(4). Individual election inspectors are themselves required to have either attended an election school or passed an examination given by a city or town election commission and approved by the Secretary of State within the last two years to serve at an election. Mich. Comp. Laws § 168.683. The Michigan Secretary of State is required to establish comprehensive curricula for training all county, city, township, and village officials responsible for conducting elections, as well as all precinct inspectors. Mich. Comp. Laws § 168.31(1)(j), (m).

Michigan's training frequency requirements for election officials are virtually identical to those in the proposed rule, with the lone exception that election inspectors and special voting deputies in Wisconsin will be required to receive at least two hours of training each election cycle in addition to the two year recertification requirement. The Secretary of State's training manual also provides instruction that is in line with the training required by the proposed administrative rule. <https://www.michigan.gov/sos/elections/admin-info>. While the proposed rule provides the Wisconsin Elections Commission with more explicit review and approval powers than the Michigan Director of Elections or Secretary of State, it also provides more explicit flexibility to local election officials to amend Wisconsin Elections Commission guidance for local needs.

Minnesota county auditors are responsible for providing training for all election officials appointed to serve at any election. Minn. Stat. § 204B.25 subdivision 1. County auditors may delegate responsibility for training election judges within municipalities or school districts to a municipal election official. Id. The Minnesota Secretary of State is responsible for developing a training program for county auditors and providing county auditors with materials to be used in training local election officials. Minn. Stat. § 204B.27 subdivision 10. Election officials are required to undergo training once every two years in order to maintain their certification. Minn Stat. § 204B.25 subdivision 4.

The Minnesota Secretary of State has promulgated a significant number of administrative rules elaborating on training requirements for election officials. Minn. R. 8240. Election officials are required to go through at least a two hour basic training course which covers specific information. Minn. R. 8240.1600. Specific training requirements are also set out for head election officials and election officials assisting with absentee voting in a health care facility. Minn. Rs. 8240.1750, 8240.1800. While the specific training requirements for Wisconsin officials contained in the proposed administrative rule are more specific, the substance of the requirements are the same.

19. Contact Name	20. Contact Phone Number
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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)

N/A

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

N/A

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:

N/A

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

N/A

5. Describe the Rule's Enforcement Provisions

This rule may be enforced pursuant to an administrative complaint brought under ss. 5.06 or 5.05. This rule may be enforced through an action or proceeding to test the validity of any decision, action or failure to act on the part of any election official with respect to any matter specified in s. 5.06(1) provided that the condition in s. 5.06(2) is also satisfied.

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

☐ Yes ☒ No
