

Fiscal Estimate

Wis. Stats. 227.24(1)(e)2.; 227.14(4)

1) Major assumptions used in preparation of fiscal estimate.

The major assumption used in preparation of this fiscal estimate is the proposed rule does not majorly change the process for how filing officers receive and process ballot access challenges, it just, in some instances, will change when that work must be completed. Another major assumption is that local filing officers will be able to offset any potential costs of evening, weekend, or legal holiday staffing with sufficient notice and planning in advance when setting their election calendar for the year.

2) Anticipated effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenue.

The proposed rule defines calendar day to specifically include weekends and legal holidays. The effect of this definition may mean that filing officers, including Wisconsin's 72 county clerks and approximately 1,850 municipal clerks, may need to complete administrative responsibilities on evenings, weekends, or legal holidays. Under the proposed rule, clerks will be required to transmit an electronically filed challenge within 4 hours of the challenge deadline, and physically filed challenges no later than noon the day after the challenge is filed. Filing officers may also be required to complete administrative tasks on weekends, evenings, or legal holidays if the challenge response deadline or rebuttal deadline falls on those days.

Accordingly, there may be some effect on municipal fiscal liabilities and revenue depending on how municipalities handle evening, weekend, and legal holiday work for their employees.

However, this is not likely to be a common occurrence. There are three major dates throughout the year when candidates file nomination papers. The first Tuesday in January for the Spring Election in April (§ 8.10(2)(a)), June 1 for the August Partisan Primary (§ 8.15(1)), and the first Tuesday in August for independent presidential candidates (§ 8.20(8)(am)). Occasionally, the first Tuesday in January might be New Year's Day (legal holiday), and occasionally, June 1 might fall on a weekend. Special elections may come up from time to time, but the Governor or municipal governing body, can take steps to avoid the challenge deadlines falling on weekends or holidays when they set the election schedule.

3) Projection of the anticipated state fiscal effect during the current biennium and a projection of the net annualized fiscal impact on state funds.

There is no anticipated state fiscal effect of this rule during the current biennium, and no anticipated net annualized fiscal impact on state funds.

4) Anticipated costs that will be incurred by the private sector in complying with the rule.

There are no anticipated costs that will be incurred by the private sector in complying with this rule.