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*Testimony before the Senate Committee on Elections, Ethics and Rural Issues
State Senator André Jacque
May 7th, 2019*

Chairman Bernier and Members of the Senate Committee on Elections, Ethics and Rural Issues,

Thank you for holding this hearing and the opportunity to testify before you today in support of Senate Bill 71, the Local Government Special Election Cost Relief Act. This common sense bi-partisan legislation will require state reimbursement of the significant unfunded and unanticipated expenses that such elections force upon local governments.

When the Governor calls a special election for a state office, local municipalities are currently put on the hook for unreimbursed expenses for administering that special election, and special primary if needed, which can easily exceed a hundred thousand dollars across a single Assembly District, regardless of turnout. Local governments are already forced to stretch their budgets for election administration from two elections in odd-numbered years to four in even-numbered years. Under current law, special elections occur with very little control, and municipalities have to shoulder nearly all of the costs incurred. With little warning these unexpected elections can have substantial fiscal impacts on local governments that already have limited budgets. As a candidate last year in a special election for the State Senate, I heard from several local government officials and pollworkers at meetings and at their doors about the impact of these unexpected costs on their municipalities.

Under SB 71, a cost is eligible for reimbursement only if the Wisconsin Elections Commission determines that the cost is reasonable and the rate paid by the county or municipality for the cost does not exceed the rate customarily paid for similar costs at a primary or election that is not a special primary or election. Among the costs covered by the bill are rental payments for polling places, election day wages paid to election officials working at the polls, costs for the publication of required election notices, printing and postage costs for absentee ballots and envelopes, data entry costs for a statewide voter registration system, and other significant election costs identified by municipal clerks in previous state surveys.

SB 71 applies to special elections called by the Governor to fill a vacancy for the offices of State Senate and Assembly, statewide constitutional officers, United States Senate and House of Representatives, and district attorneys. If the special election or special primary is consolidated with a regularly scheduled statewide election, the state would only reimburse the costs directly associated with the vacancy.

The Local Government Special Election Cost Relief Act is a common sense fix, saving local government dollars while giving cost oversight to the Wisconsin Elections Commission. SB 71 is supported by the League of Wisconsin Municipalities, Wisconsin County Clerks Association, Wisconsin Counties Association, Wisconsin Towns Association, and the City of Milwaukee. Thank you again for the Public Hearing today and we ask that you join in supporting Senate Bill 71.



SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Senate Committee on Elections, Ethics, and Rural Issues

Public Hearing, May 7, 2019

Senate Bill 71

9:00 A.M.

Room 425 Southwest

Senate Bill 71: aids to counties and municipalities for certain special election costs

Senator Bernier and members of the Committee, thank you for affording me with the opportunity to testify on behalf of Senate Bill 71 regarding state payment of costs for special elections.

Senate Bill 71 has a simple aim: to relieve counties and municipalities of the uncertainty and costs associated with special elections for state office.

Since 1998, there have been 29 special elections for the Assembly and the Senate – not including recalls. There have been six special elections just since 2018.

The cost of executing regularly scheduled elections has been a subject of debate. Elections are expensive affairs. As you'll no doubt hear from the witnesses today, special elections cause even greater strain on county and local budgets. Naturally, special elections come as a surprise, and local government must account for them outside their normal budgeting and expense practices.

The monetary and resource costs add up quickly, particularly for very small municipalities – to use a local example, both Sen. Jacque and I represent small towns like Gibson, Denmark, and Wrightstown. It is difficult for these small municipalities to take on the costs of special elections with so many other budget priorities.

I also submit that cost is not the only consideration. Senate Bill 71 largely deals with statewide offices. While the elections for the Second Assembly District I represent, and the First Senate District Senator Jacque represents, are local elections - in that only residents of our districts vote in them - the seats are State Legislature seats. Our votes



SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

affect the entire state, not just Brown County, Door County, Denmark, or Sturgeon Bay.

Senate Bill 71 makes the following costs eligible for reimbursement:

- Rental payments for polling places.
- Election day wages paid to election officials working at the polls.
- Costs for the publication of required election notices.
- Printing and postage costs for absentee ballots and envelopes.
- Costs for the design and printing of ballots and poll books.
- Purchase of ballot bags or containers, including ties or seals for chain of custody purposes.
- Costs to program electronic voting machines.
- Purchase of memory devices for electronic voting machines.
- Wages paid to conduct a county canvass.

This bill also adds a layer of oversight to protect taxpayers. Under Senate Bill 71, the Elections Commission must determine that costs are in line with those of regularly scheduled elections in order to be eligible for reimbursement.

To date, we have had heard support from county and municipal clerks. The support is bipartisan and is not limited to specific areas of the state. As you will hear shortly, the League of Municipalities and the County Clerks Association both support Senate Bill 71.

I want to thank everyone who has come to testify today, and now seek additional feedback from the both the public and committee members.

At this time I am happy to answer any questions members of the committee might have. Thank you for your time and consideration.

**Testimony of Meagan Wolfe
Interim Administrator
Wisconsin Elections Commission**

**Senate Committee on Elections, Ethics and Rural Issues
May 7, 2019**

**425 Southwest, State Capitol
Public Hearing**

Chairperson Bernier and Honorable Members of the Committee:

Thank you for the opportunity to provide testimony on behalf of the Wisconsin Elections Commission (WEC) regarding Senate Bill 71. The members of the Commission are aware of the proposed legislation, but have not discussed it in any depth or taken a position on the bill, so our testimony will be for information only.

2019 Assembly Bill 64/Senate Bill 71 would require the Elections Commission to reimburse counties and municipalities for costs of certain special elections.

Our original fiscal estimate was based largely on the potential for needing to reimburse 72 counties and 1,850 municipalities for the cost of a statewide special election. Following a hearing on the version of the bill Assembly last month, the bill's authors clarified that they anticipate this applying largely to special elections to fill vacant seats in the Legislature. Vacancies in the offices of judges and district attorneys are filled by appointment of the Governor.

According to our records, over the past two decades, there have been 29 special elections ordered for state offices, not including recall elections. This number does not include any special primaries associated with the special elections, so the total number of special elections and primaries would be higher. Three of the 29 special elections appear to have been held concurrently with regularly-scheduled elections. Several of the primaries appear to have been held concurrently with Spring Elections.

To be reimbursed, counties and municipalities would submit costs to the WEC, which would pay them from a sum-sufficient appropriation. However, the bill would also require the WEC to determine "that the rate paid by the county or municipality for the cost does not exceed the rate customarily paid for similar costs at a primary or election that is not a special primary or election."

To administer this program, WEC would need to determine "reasonable costs" to issue reimbursements specific to special election costs. Because Wisconsin is such a diverse state, costs may vary significantly, depending on whether the county or municipality is urban or rural,

how much clerks pay election inspectors, what type of ballots and electronic voting equipment are used, and polling place rental fees.

Because local taxpayers are responsible for most election administration costs, the state limited information about those costs. We have collected data about local election costs between 2012 and 2016, which is available on our website: <https://elections.wi.gov/publications/statistics/el-190>. However, the quality of data we received from clerks varied greatly, and has not been audited.

Here is what we learned from the cost reports that clerks submitted between 2012-2016:

- The 2012 Recall Primary (Office of Governor) cost \$6,307,911.12.
- The 2012 Recall Election (Office of Governor) cost \$7,111,830.45.
- The 2014 General Election cost \$8,045,072.57.
- The 2016 Presidential Preference and Spring Election cost \$5,556,898.04
- The 2016 Presidential and General Election cost \$7,919,164.57.

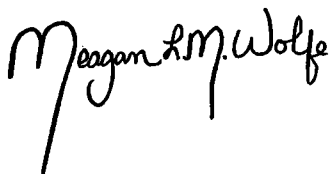
While having these figures for statewide elections is helpful, we would likely need more information to determine customary costs for conducting legislative special elections.

The cost to the WEC to administer the reimbursements would be minimal if there is not a statewide special election. We estimate that processing each reimbursement request, including determining the reasonableness of each request as required by the bill, would take an average of one hour of staff time per submission. The total cost would depend on the number of jurisdictions submitting reimbursement requests.

For example, in the recent special election in Assembly District 64, there were two counties, Kenosha and Racine, and six municipalities, the City of Kenosha, Town of Somers, Village of Somers, City of Racine, Village of Elmwood Park, and the Village of Mount Pleasant. In legislative districts with less population density, the number of municipalities seeking reimbursement could increase significantly.

Thank you for the opportunity to testify before this committee on this bill. I will be happy to respond to your questions.

Respectfully submitted,



Meagan Wolfe
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**Public Hearing
Committee on Elections, Ethics and Rural Issues
Tuesday, May 7, 2019
9 am
425 Southwest**

Regarding Senate Bill 71

Relating to aids to counties and municipalities for special election costs and make an appropriation.

I am in support of this bill as municipalities and counties currently fund one hundred percent of special election costs for state offices when vacancies occur. These unexpected expenses place hardship on local governments because finances are not budgeted. Likewise, counties and local governments have levy limits so we would not budget for special elections that may or may not take place.

SB 71 outlines the numerous expenses incurred by local government for special elections. These expenses are absolute and necessary in order to meet federal and state laws and fulfill administering elections according to mandated practices and policies. However, expenses can vary significantly by jurisdiction because of staff costs, election materials and equipment, legal notices, etc.

In 2018, Brown and several other neighboring counties were required to hold a special election mid-year for Senate District 1. A small portion of Brown County is in Senate District 1 and the cost of a special primary and general election exceeded \$45,000. In November, during the regularly scheduled election, the incumbent from the special election did not win re-election. The \$45,000 spent for the special election in Brown County could have been spent to fund other needed county projects, programs, and departments.

Local governments have control over holding special elections for seat openings or referenda. They can hold a special election; leave vacancies open, or make appointments. My office prepares a cost estimate for jurisdictions considering special elections so they are fully aware of the financial impact. In all recent situations, the local governments have decided against holding special elections to avoid the additional expense.

Counties and local governments do not make the determination of holding special elections for state offices. Therefore, when a decision is made by the state to hold a special election some appropriation should be made to the jurisdictions saddled with the unexpected costs of conducting them. Please support this bill to assist local governments with funding to conduct special elections for the State of Wisconsin.

Sandy Juno
Brown County Clerk