



Legislative Fiscal Bureau

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May 9, 2011

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: LRBs0100/1 to Assembly Bill 7: Requiring Voter Identification in Order to Vote

Assembly Bill 7 (AB 7) would create a new identification requirement for voters and repeal current law provisions that establish procedures by which a voter may have his or her residence corroborated by a fellow elector. On January 27, 2011, AB 7 was introduced and referred to the Assembly Committee on Election and Campaign Reform. On May 3, 2011, Assembly Substitute Amendment 1 (ASA 1) to AB 7 was offered by the Assembly Committee on Election and Campaign Reform. The Committee recommended adoption of ASA 1 to AB 7 on a vote of 5-3. The Committee then recommended passage of AB 7, as amended, on a vote of 5-3. On May 5, 2011, AB 7, as amended, was referred to the Joint Committee on Finance.

Attached to this memorandum is a Legislative Council Memo dated May 9, 2011, which summarizes the provisions of LRBs0100/1. The remainder of this memorandum provides information on the fiscal effect of LRBs0100/1. Specifically, information is provided related to the Government Accountability Board, Department of Transportation, and the University of Wisconsin System. The draft does not provide funding or positions for these agencies.

Government Accountability Board

The Government Accountability Board (GAB) indicates that the costs of the proposal would fall into the following major categories: (a) public outreach and education; (b) modification and reprogramming of the Statewide Voter Registration System (SVRS); (c) election administration and SVRS absentee ballot training; (d) Help Desk; and (e) forms and materials revision. The following table provides a breakdown of these estimated GAB costs over the next two years under the draft.

Estimated GAB Two-Year Costs Under LRBs0100/1

<u>Item</u>	<u>Cost</u>	<u>FTE</u>
Public Outreach and Education	\$752,700	1.00
SVRS Modification	591,300	
Training	535,800	3.00
Help Desk	156,100	1.00
Forms and Materials Revision	<u>61,500</u>	<u> </u>
	\$2,097,400	5.00

Public Outreach and Education. The amendment would direct GAB to conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements prior to the first regularly scheduled primary and election at which the new voter identification requirements would apply. The Board indicates that it would expend \$500,000 over a two-year period to conduct a statewide campaign including paid media and public service announcements.

The amendment would also direct GAB, on an ongoing basis, to engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing a document that constitutes proof of identification for voting and provide assistance to the electors in obtaining or renewing that document. Board staff indicates that in order to comply with this provision that it would work with local community groups and social services programs to reach out to various groups of people to provide this assistance. Based on amounts expended by the Departments of Health Services and Workforce Development for some outreach campaigns, the Board estimates that it would expend \$150,000 over a two year period on this outreach effort.

The Board estimates that it would expend \$83,500 over two years to hire a 1.0 program assistant project position. Over this two year period the position would also be budgeted \$18,000 for one-time and ongoing supplies and services. This position would assist the Board's public information officer with the public outreach and education efforts.

Finally, the Board estimates needing \$1,200 for a special registration deputy mailing to inform them of the proposed law changes under the amendment.

Modification and Reprogramming of the SVRS. Under the draft, an absentee elector would not be required to provide a copy of proof of identification (if voting absentee by mail) if the elector: (a) received an absentee ballot by mail for a previous election; (b) provided a copy of proof of identification with that ballot; and (c) had not changed his or her name or address since providing that proof of identification. Under the amendment, an elector would only be permitted to cast a provisional ballot if: (a) an elector did not present proof of identification; (b) the name appearing on the document did not conform to the name on the poll list or separate list; or (c) any photograph appearing on the document did not reasonably resemble the elector. Likewise, if an

absentee elector was required to provide a copy of proof of identification and no copy of the proof of identification was enclosed, or the name on the document could not be verified by election staff, the elector's ballot would be treated as a provisional ballot. The burden would be on the elector to provide proof of identification or a copy thereof at the polling place on election day, or at the office of the municipal clerk or board of election commissioners no later than 4 p.m. on the Friday after the election.

The Board indicates that the SVRS would need to be modified in order to permit municipal clerks to track: (a) whether individual absentee electors voting by mail would be exempt from providing a copy of proof of identification; and (b) the status of provisional ballots cast by electors who initially were deemed to not have satisfied the proof of identification requirement. Board staff indicates that since only mail-in absentee ballots would potentially be exempt from the proof of identification requirements, the SVRS system would also need to designate the absentee ballot transmission method on all absentee labels, the voter list, and the absentee ballot log. In generating absentee ballot labels, absentee ballot logs, and absentee certificate envelopes, these materials would generally need to display "ID required" and "Proof of Residence Required."

In addition to absentee electors voting by mail who would meet the requirements identified above, the following electors would be exempt under the draft from providing proof of identification: (a) a military elector voting by absentee ballot; (b) an overseas elector voting by absentee ballot; (c) an elector with a confidential listing as a result of domestic abuse, sexual assault, or stalking; (d) electors presenting an original copy of a citation or notice of intent to revoke or suspend a DOT driver's license dated within 60 days of an election; (e) an absentee elector who is indefinitely confined because of age, physical illness, or infirmity, or who is disabled for an indefinite period, and who has applied for and qualified to receive absentee ballots automatically; and (f) an absentee elector who resides in a nursing home, qualified retirement home, qualified community-based residential facility, qualified residential care apartment, complex, or qualified adult family home. The Board indicates that the SVRS would need to be modified so that the voter list and absentee ballot log printouts used on election day would indicate if the elector is required to provide proof of identification. This would permit election inspectors to identify electors to whom the proof of identification requirement did not apply.

In addition to these changes, the Board indicates that: (a) a new "ID Required" field would need to be added to the SVRS; (b) a number of SVRS reports would need to be updated; (c) the Voter Public Access website associated with the SVRS would be modified to display the "Proof of Residence Required" and "Statutory ID Required" fields; (d) the SVRS would need to be modified to reflect that an elector could no longer establish residency through a corroborating witness; and (e) the SVRS would need to be modified to reflect new voting procedures for certain electors in a nursing home, qualified retirement home, qualified community-based residential facility, qualified residential care apartment, complex, or qualified adult family home. The Board estimates that it would incur \$591,300 in one-time expenses to make these changes to the SVRS.

Training. Board staff indicates that, "At present, there are 1,851 municipalities in the State of Wisconsin that serve approximately 3,000 polling places. Roughly 62% of municipal clerks

work only on a part-time basis and will need on-going training and support. An estimated 200 municipal clerks do not have access to high-speed internet and many fulfill the duties of the municipal office out of their homes. There is an estimated turnover rate among municipal clerks of 25% every two years." As a result, the Board indicates there is a more involved ongoing need for training. Under the provisions of the draft, GAB anticipates that the need for training would be increased due to the passage of a new proof of identification requirement. The Board estimates these training costs at \$268,300 over a two year period. This estimate would include funding for a 1.0 election administration trainer project position (\$91,100 over the two year period for compensation and supplies and services).

In addition, of the 480 municipal offices which process voter information in the SVRS, only 160 currently utilize the absentee ballot function. Board staff believes that with the passage of the amendment, that all of these municipal offices would need to be trained on the modified absentee ballot function in SVRS to comply with the new law. The Board estimates these training costs at \$163,200 over a two year period. This estimate would include funding for a 1.0 SVRS trainer project position (\$91,100 over the two year period for compensation and supplies and services).

The Board also estimates that it would expend \$83,500 over two years to hire a 1.0 program assistant project position to provide support to the election administration and SVRS trainers. Over this two year period the position would also be budgeted \$18,000 for one-time and ongoing supplies and services. Finally, the Board also identified a need for \$2,800 in funding over the next two years for staff costs associated with developing training modules for the Web-Based Election Training System (WBETS).

Help Desk. As a result of the proposed law change regarding proof of identification, GAB anticipates increased inquiries to its Help Desk from local election officials and the public. The Board also anticipates an increased volume of inquiries to the Help Desk as a result of the public outreach and education campaign. The Board estimates that it would need a 1.0 resources support tech project position for a two-year period at an estimated cost of \$101,500, including \$18,000 for one-time and ongoing supplies and services. In addition, GAB anticipates needing to provide extended hours for the Help Desk during critical periods prior to, during, and after elections at a cost of \$54,600 over the next two years.

Forms and Materials Revision. The Board estimates that it would incur costs totaling \$61,500 over the next two years to revise and print various forms and manuals that would need to be updated in light of the draft.

Department of Transportation

Although the Department of Transportation has not prepared a fiscal estimate for the draft, an estimate has been prepared for Senate Substitute Amendment 1 to Senate Bill 6, which is identical to the draft, with respect to its fiscal impact on the Department. In its fiscal estimate for SSA 1 to SB 6, the Department identified both ongoing costs and revenue losses associated with the provisions requiring the Department to issue an identification card at no charge. The

Department assumes that the annual number of identification cards issued will increase by 20%, or about 8,000, as a result of both the voting identification requirements contained in the amendment, as well as the provision that would require the Department to issue cards at no charge. The additional, annual costs incurred because of this increase is estimated at \$79,200, which includes salary and fringe benefits for 1.4 positions, as well as card production costs.

With respect to revenues, the Department's fiscal estimate for the proposal assumes that 70% of applicants for an original or renewal identification cards would be given a card at no charge. [The Department indicates that applicants would be informed about the no-fee card option in order to avoid unequal treatment of applicants based solely on their knowledge about the no-fee option. The 70% figure reflects an estimate of the share of current identification card applicants who are U.S. citizens of voting age.] Based on the current volume of identification card issuance, the annual, estimated transportation fund revenue loss associated with this provision would be \$1,915,800.

It should be noted that this revenue loss would change once the Department begins full implementation of the federal Real ID Act. At that time, under provisions of the substitute amendment, the identification card would be issued at no charge only to applicants for a non-Real ID compliant card (which DOT would be authorized to issue under the substitute amendment). It can be assumed that a certain proportion of the applicants for an identification card would choose to receive a Real ID Act-compliant card, and, therefore, would not be eligible to receive a card at no charge. However, any assumption as to what proportion of identification card applicants would prefer to have a Real ID Act-compliant card, as opposed to a non-compliant card at no charge, would be speculative. Consequently, although the annual revenue loss would be lessened, the amount of this reduction is indeterminate. The Department indicates that full implementation of the Real ID Act provisions in Wisconsin is expected to occur in January, 2013, which is the current federal deadline.

University of Wisconsin System

The University of Wisconsin System Administration indicates that current student identification cards do not include expiration dates. To ensure that every student has a student identification card that would qualify as "identification" under the amendment, new identification cards would have to be issued to all students. According to UW-Madison, material costs for student identification cards are approximately \$5 per card. Including material, staffing, and equipment costs, it is estimated that issuing new identification cards to all students would have a one-time cost of \$1.1 million. Adding an expiration date to identification cards issued in the future would have no cost.

The amendment specifies that a student identification card must be unexpired to be considered a valid form of identification and that the expiration date of the identification card must be no later than two years after the date of issuance. It is estimated that, if student identification cards expired two years after issuance, the student identification cards of one-third of all continuing students would expire in any given year. The cost of reissuing identification cards to these students is estimated at \$300,000. However, the amendment would only require student

identification cards to be unexpired if the student wishes to use the student identification card as identification for the purpose of voting. The amendment does not require UW institutions or any other institutions of higher education to reissue student identification cards to all students every two years. If UW institutions reissued student identification cards only to students who request new student identification cards, the ongoing cost would be less than \$300,000.

Prepared by: Paul Onsager, Jon Dyck, and Emily Pope
Attachment



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: ROBERT LANG, DIRECTOR, LEGISLATIVE FISCAL BUREAU

FROM: Katie Bender-Olson, Staff Attorney; and Pam Shannon, Senior Staff Attorney

RE: Comparison of Assembly Substitute Amendment 1 to LRBs0100/1 to Assembly Bill 7 – Voter ID Bill

DATE: May 9, 2011

Following is a brief summary of the differences between Assembly Substitute Amendment 1 (ASA 1) and LRBs0100/1 to 2011 Assembly Bill 7. This document is intended to highlight the differences between the two substitute amendments and does not provide an exhaustive summary of either substitute amendment.

1. Student Photo ID and Proof of Residence Changes

a. Photo ID Changes

Under *ASA 1*, an elector may present an unexpired ID card issued by an accredited university or college that contains a date of birth, current address, and signature of the individual to whom it is issued and that contains an expiration date indicating that the card expires no later than four years after the date of the election at which it is presented.

LRBs0100/1 does not require a student ID card to include a date of birth or current address. The draft requires that the ID card expire no later than two years after the date of issuance if the individual establishes that he or she is enrolled as a student on the date the card is presented.

b. Proof of Residence Changes

Under *current law*, a student may use a college ID that does not contain a current address as proof of residence if the college or university provides a certified and current list of students who reside in college housing to the municipal clerk and the clerk, special registration deputy, or inspector verifies that the student is included on the list.

ASA 1 eliminates the ability of a student to verify his or her residence by reference to a list provided by the college or university, and instead, requires the student to present his or her student ID together with a fee payment receipt dated no earlier than nine months before the date of the election.

LRBs0100/1 maintains current law.

2. Period for In-Person Absentee Voting

ASA 1 permits in-person absentee voting beginning on the second Monday preceding an election.

LRBs0100/1 extends the time period for in-person absentee voting by beginning the period on the third Monday preceding an election.

3. Voter Registration Form Statement of Penalties

ASA 1 does not require inclusion of a statement noting current penalties for falsification of information on the voter registration form.

LRBs0100/1 requires that the voter registration form must contain a statement that the falsification of information on the form is punishable as a Class I Felony.

4. Assisting Electors in Voting and Required

ASA 1 eliminates the current law requirement that a person assisting an elector in voting certify on the back of an election ballot that it was marked with his or her assistance.

LRBs0100/1 maintains current law.

5. September Primary

ASA 1 renames the September Primary as the "Partisan primary" and moves it from the second Tuesday in September to the second Tuesday in August.

LRBs0100/1 maintains current law.

6. MOVE Act Changes

ASA 1 includes provisions related to military and overseas voters and makes changes related to electronic transmission of absentee ballot and registration applications, automatic absentee ballots, late counting of military elector absentee ballots, and write-in absentee ballots. [These provisions are outlined on pages 10-12 of the Wisconsin Legislative Council Amendment Memo on ASA 1.]

LRBs0100/1 removes the major substantive provisions relating to military and overseas electors and largely maintains current law.

7. Presentation of Photo ID When Registering at the Polls

ASA I requires an individual registering to vote at the polling place on Election Day to present photo ID in order to register.

LRBs0100/1 removes the requirement to present photo ID when registering.

8. Application of Signature and 28-Day Residency Requirement

ASA I requires an elector to sign the poll list and requires an elector to be a resident of the ward or district for 28 consecutive days prior to the election. These requirements do not apply to electors until the 2012 Spring Primary.

LRBs0100/1 applies the signature and 28-day residency requirements to elections occurring on or after the effective date of the bill.

9. Definition of Residency

ASA I makes changes to the current definition of residency by providing additional explanation and examples.

LRBs0100/1 maintains current law.

10. Certification by Authorized Representative at a Long-Term Care Facility

ASA I provides that an elector residing in a nursing home, community-based residential facility, retirement home, adult family home, or residential care apartment complex who is voting absentee without the assistance of Special Voting Deputies may submit a statement signed by the person who witnesses the absentee ballot and a certification by the manager of the facility verifying that the elector resides in the facility.

LRBs0100/1 substitutes the term “authorized representative” for the term “manager.”

If you have any questions, please feel free to contact us directly at the Legislative Council staff offices.

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