

ELECTIONS COMMISSION

Budget Summary							
Fund	2022-23 Base Year Doubled	2023-25 Governor	2023-25 Jt. Finance	2023-25 Legislature	2023-25 Act 19	Act 19 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$9,739,000	\$12,631,200	\$10,158,800	\$10,158,800	\$10,158,800	\$419,800	4.3%
FED	1,702,400	1,768,300	1,731,300	1,731,300	1,731,300	28,900	1.7
PR	715,800	887,200	914,400	914,400	914,400	198,600	27.7
SEG	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>0</u>	0.0
TOTAL	\$12,157,400	\$15,286,900	\$12,804,700	\$12,804,700	\$12,804,700	\$647,300	5.3%

FTE Position Summary						
Fund	2022-23 Base	2024-25 Governor	2024-25 Jt. Finance	2024-25 Legislature	2024-25 Act 19	Act 19 Change Over 2022-23 Base
GPR	25.75	35.75	25.75	25.75	25.75	0.00
FED	3.25	3.25	3.25	3.25	3.25	0.00
PR	<u>3.00</u>	<u>3.00</u>	<u>3.00</u>	<u>3.00</u>	<u>3.00</u>	<u>0.00</u>
TOTAL	32.00	42.00	32.00	32.00	32.00	0.00

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS [LFB Paper 105]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$381,500	\$38,300	\$419,800
FED	65,900	- 37,000	28,900
PR	<u>171,400</u>	<u>27,200</u>	<u>198,600</u>
Total	\$618,800	\$28,500	\$647,300

Governor: Provide adjustments to the base totaling \$189,300 GPR, \$31,600 FED, and \$85,700 PR in 2023-24 and \$192,200 GPR, \$34,300 FED, and \$85,700 PR in 2024-25. Adjustments are for: (a) full funding of continuing position salaries and fringe benefits (\$171,500 GPR, \$16,100 FED, and \$71,400 PR annually); (b) reclassifications and semiautomatic pay progression (\$42,700 GPR, \$4,300 FED, and \$14,300 PR in 2023-24 and \$42,700 GPR, \$5,800

FED, and \$14,300 PR in 2024-25); and (c) full funding of lease and directed moves costs (-\$24,900 GPR and \$11,200 FED in 2023-24 and -\$22,000 GPR and \$12,400 FED in 2024-25).

Joint Finance/Legislature: Modify full funding of lease and directed moves costs by \$20,600 GPR, -\$17,900 FED, and \$13,600 PR in 2023-24, and by \$17,700 GPR, -\$19,100 FED, and \$13,600 PR to reflect Elections Commission rent costs for the 2023-25 biennium.

2. OFFICE OF ELECTION TRANSPARENCY AND COMPLIANCE

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$1,938,000	10.00	-\$1,938,000	- 10.00	\$0	0.00

Governor: Provide \$902,000 in 2023-24, \$1,036,000 in 2024-25, and 10.0 positions annually to create and operate an Office of Election Transparency and Compliance attached to the Elections Commission. The Office would operate under the direction and supervision of a director, who would be appointed in the classified service by the administrator or interim administrator of the Elections Commission. As directed by the Commission by resolution, the Office would: provide assistance and research to the Commission concerning complaints filed under statutes pertaining to violation of election law; as directed by the administrator, provide assistance and research to the Commission on procedures at polling places, election processes, and audits of election systems and equipment including accessibility audits; and respond to public inquiries and record requests and inquiries and requests for assistance made by a member, committee, or house of the state Legislature.

Funding would include: (a) \$552,000 in 2023-24 and \$736,000 in 2024-25 for 10.0 positions to staff the Office; (b) \$300,000 annually for voting and auditing equipment; and (c) \$50,000 in 2023-24 for one-time purchase of computers and office supplies. Position authority would include: (a) 1.0 director; (b) 4.0 program and policy analysts; (c) 2.0 information systems (IS) data services senior positions; (d) 1.0 IS systems development senior position; (e) 1.0 legislative liaison; and (f) 1.0 communications specialist advanced position. According to the administration, the Office of Election Transparency and Compliance is intended to increase confidence in election operations.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

3. BADGER BOOK GRANTS

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$400,000	-\$400,000	\$0

Governor: Provide \$400,000 in 2023-24 to allow the Elections Commission to award grants

to counties and municipalities for the purchase of election supplies and equipment, including electronic poll books (also called "Badger Books"). Create an annual local aids for the purchase of election supplies and equipment appropriation in the Elections Commission for this purpose.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

4. VOTER IDENTIFICATION TRAINING APPROPRIATION MODIFICATION

Governor: Modify the voter identification training appropriation to broaden the language so that funds may be used for all elections training purposes, rather than just voter identification training. The modified appropriation would be titled, "County and municipal clerk training" and funds would be used for training of county and municipal clerks concerning the administration of elections as outlined in Chapters 5 through 10 and 12 of the statutes, including voter identification requirements provided in 2011 Act 23. The Commission indicates that voter identification training is generally incorporated into various training programs conducted by staff, rather than being regularly offered as a stand-alone training. In 2022-23, the annual voter identification training appropriation is budgeted \$82,600 GPR.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

5. REIMBURSEMENT FOR SPECIAL PRIMARY AND ELECTION COSTS

Governor: Require the Elections Commission to reimburse counties and municipalities for costs incurred in the administration of special primaries and special elections for state or national office. Create a sum sufficient GPR appropriation titled "local aids for special elections" to provide reimbursements.

As a sum sufficient appropriation, the Commission would be authorized to spend any amount necessary for reimbursements, subject to the following restrictions. Costs would be eligible for reimbursement if the Commission determined: costs are reasonable; rates did not exceed the rates paid for similar costs at a primary or election that is not a special primary or election; and, in the case where the election coincides with a primary or election that is not a special primary or election, the cost does not exceed the amount that would be incurred if the primaries or elections did not coincide. Only the following costs would be reimbursable: (a) rental payments for polling places; (b) election day wages paid to election officials working at the polls; (c) costs for the publication of required election notices; (d) printing and postage costs for absentee ballots and envelopes; (e) costs for the design and printing of ballots and poll books; (f) purchase of ballot bags or containers, including ties or seals for chain of custody purposes; (g) costs to program electronic voting machines; (h) purchase of memory devices for electronic voting machines; (i) wages paid to conduct a county canvass; and (j) data entry costs for a statewide voter registration system. The bill would incorporate the provisions of 2021 Assembly Bill 21/Senate Bill 21.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

6. SPECIAL ELECTION DATES FOR CERTAIN FEDERAL OFFICES

Governor: Require that a vacancy in the office of a U.S. Senator or Representative be filled as soon as practicable as follows: (a) at a special election to be held on the third Tuesday in May following the date of the vacancy with a special primary to be held concurrently with the spring primary on the third Tuesday in February (the first day for circulating nomination papers would be November 1, and the last day would be no later than 5:00 p.m. on the first Tuesday in December preceding the primary); (b) at a special election to be held on the second Tuesday in August following the date of the vacancy with a special primary to be held on the third Tuesday in May (the first day for circulating nomination papers would be February 1, and the last day would be no later than 5:00 p.m. on the first Tuesday in March); or (c) at a special election to be held on the Tuesday after the first Monday in November following the date of the vacancy with a special primary to be held on the second Tuesday in August (timing of the circulation of nomination papers, as under current law for partisan primaries, would be April 15 preceding the general election to no later than 5:00 p.m. on June 1 preceding the partisan primary). As under current law, a vacancy filled would be for the remainder of the unexpired term. In addition, modify the definitions of "special primary" and "spring primary" to include reference to these provisions. Under the bill, a November special election would not be held in any year in which the general election is held for that office; instead, the vacancy would be filled at the partisan primary and general election.

The administration indicates that the provision would clarify scheduling and ensure special elections "are scheduled with sufficient time to comply with federal requirements for sending ballots to military and overseas voters." Federal law requires states to transmit absentee ballots to military and overseas voters no later than 45 days before an election for federal office. Under current law, if a vacancy occurs in the office of a U.S. Senator or Representative prior to the second Tuesday in April in a year in which a general election is held, the vacancy must be filled at a special primary and special election. Statute does not prescribe the specific dates for such a special primary or special election. Also under current law, if the vacancy occurs between the second Tuesday in April and the second Tuesday in May of that year, the office must be filled at the partisan primary and general election.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

7. RECOUNT FEES

Governor: Modify the appropriation for recount fees from an annual to a continuing PR appropriation. Under current law, the Elections Commission is required to reimburse counties for the actual costs of conducting a recount. The appropriation is funded by fees collected from the candidate that filed the recount petition.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

8. AUTOMATIC VOTER REGISTRATION

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$172,700	-\$172,700	\$0

Governor: Provide \$156,100 in 2023-24 and \$16,600 in 2024-25 to register all eligible electors as soon as practicable using the process described below.

Agreement with DOT. Require the Commission and the Department of Transportation (DOT) to revise the existing agreement between the agencies relating to matching voter information to provide for the electronic transfer of information to facilitate the registration of all eligible electors. The Department would be required to begin transferring information no later than the first day of the ninth month after the effective date of the bill.

The agreement must provide for the transfer of the following, no less often than weekly: (a) the full name of each individual who holds a current operator's license or identification card issued by DOT; (b) the individual's name history, current address, address history, date of birth, and license or identification card number; (c) a copy of the document the individual provided as proof of citizenship; (d) a statement indicating that DOT verified the citizenship; and (e) the most recent date that each item of information was provided or obtained by DOT.

Require that the application forms for a license or identification card inform the applicant that information will be made available to the Elections Commission and allow the applicant to elect not to share the information. Specify that the Commission maintain the confidentiality of all information obtained from DOT and only use the information for the purpose of registrations. Further, specify that this provision would not preclude DOT from sharing this information with the Commission for the current law purposes of online voter registration or for any other purpose other than automatic voter registration. [See "Transportation -- Motor Vehicles."]

Assistance from DOA. Require the Department of Administration to assist with information technology systems development to facilitate the registration of eligible electors.

List Maintenance. Require the Commission to compare the information from DOT with the voter registration list and use all feasible means to facilitate the registration of eligible electors based on the following procedures:

a. Enter each individual's name on the registration list, provided that the Commission has obtained from reliable sources the required information and the individual appears to be eligible to vote but is not registered. Attempt to obtain from reliable sources the necessary information required to complete an individual's registration. Attempt to contact the individual if necessary to obtain the information needed to complete registration. Under current law, municipal and county clerks, rather than the Commission, are responsible for maintaining the voter registration list.

b. Mail a notice to each individual added to the registration list. The notice must be printed in English, Spanish, and other languages spoken by a significant number of state residents,

as determined by the Commission. The notice must inform the individual that his or her name has been added to the registration list, provide the individual's current address, inform the individual that he or she may request to be deleted and provide instructions for doing so, provide instructions for notifying the Commission of a change in name or address, and provide instructions for obtaining a confidential listing.

c. Attempt to contact electors to resolve discrepancies if the information from DOT does not match the voter registration list. If the Commission is unable to contact the elector, the information in the registration list would be maintained.

d. If a name is removed from the registration list or the status of the elector is changed from eligible to ineligible, other than to remove a duplicate entry or change the status of a deceased individual to ineligible, mail a notice of the change by first class postcard informing the person that he or she may apply to be added again if the person is a qualified elector.

e. If the status of the elector is changed from eligible to ineligible and the elector's name or residence has not changed, the Commission may not change the individual's name to eligible status unless the Commission verifies eligibility and the elector wishes to change his or her status to eligible.

f. In addition, any individual may file a request with the Commission to be excluded or deleted from the registration list and may later revoke the request. The Commission must ensure that an individual who has filed a request to be excluded or deleted from the list is excluded or removed and is not added at a later time unless the request is revoked.

Report to Legislature. No later than July 1, 2025, require the Commission to report the following to the appropriate standing committees of the Legislature and to the Governor: (a) progress in implementing a system to ensure the complete and continuous registration of all eligible electors, including the operability and utility of information integration with DOT; and (b) an assessment of the feasibility and desirability of the integration of registration information with information maintained by other state agencies, including at a minimum the Departments of Health Services, Children and Families, Workforce Development, Revenue, Safety and Professional Services, and Natural Resources; the University of Wisconsin System; the Technical College System Board; and the technical colleges within each technical college district.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

9. VOTER REGISTRATION MODIFICATIONS

Governor: Require municipal clerks or their agents to promptly add the names of qualified electors who register late in person to the statewide official registration list. Modify current law provisions related to filing registration forms to create an exception for electronic registration and specifically require that such records be maintained by the Commission and made available for inspection by the municipal clerk, clerk's agent, or board of election commissioners. In addition, modify current law provisions related to the information clerks are required to record to include

an indication that information was verified in lieu of proof of residence for an elector who registers by electronic application.

Under current law, an elector who registers to vote electronically is not required to provide proof of residence if, at the time of registration, the elector provides the number of a current and valid operator's license or identification card issued by the Department of Transportation, together with the elector's name and date of birth, and the Commission is able to verify the information using the electronic system.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

10. STUDENT PROOF OF IDENTIFICATION FOR VOTING

Governor: Modify provisions related to identification (ID) cards used for voting to: (a) specify that an expired identification card issued by an accredited university or college may be used if the student provides proof of current enrollment; (b) remove the requirement that a student presenting an unexpired identification card issued by an accredited university or college must establish that he or she is currently enrolled at the university or college; and (c) require that every technical college and University of Wisconsin System institution issue student identification cards that qualify as identification for the purpose of voting no later than August 1, 2023.

The administration indicates that the modifications to student ID requirements are intended to reflect recent federal case law. Under current statute, an unexpired student ID meeting certain criteria may be used for voting if the student also establishes current enrollment. However, in July, 2020, the U.S. Court of Appeals for the Seventh Circuit held that the requirement to present proof of enrollment with an unexpired identification card was unconstitutional and is, therefore, unenforceable. As a result, under current practice, if a qualifying student ID is unexpired, proof of enrollment is not required. However, if the student ID is expired, the voter must also provide a valid proof of enrollment document.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

11. HIGH SCHOOL VOTER REGISTRATION REQUIREMENT

Governor: Require the municipal clerk of each municipality to notify the school board of each school district in which the municipality is located that public high schools must be used for voter registration for enrolled students and members of the high school staff. Specify that the school board and the municipal clerk must agree on the appointment of at least one qualified elector at each high school (the special school registration deputy), and the municipal clerk must review the duties and responsibilities of the position with the appointee.

Under the bill, students and staff may register at the high school on any day that classes are regularly held. The school registration deputies must promptly submit completed registration

forms to the appropriate municipal clerk, at which time, the municipal clerk must add the eligible electors to the registration list. The registration form must be filed in such a way that when a student attains the age of 18 years old, the student is automatically registered to vote. If a registration form is rejected by the municipal clerk, the registrant shall be notified of the rejection, along with the reason(s) for the rejection. If applicable, a rejected registrant may reapply.

The principal of any private high school or of any applicable tribal school may request that the municipal clerk appoint a special school registration deputy in the same manner as public schools. The clerk must appoint a special school registration deputy if the clerk determines that the school has a substantial number of students residing in the municipality. These provisions would reinstate prior law (repealed under 2011 Act 240).

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

12. TEMPORARY IDENTIFICATION CARDS FOR VOTING -- VALID PERIOD

Governor: Extend from 60 to 180 days the period for which identification card receipts issued by the Department of Transportation for the purposes of voting remain valid as a temporary identification card. [See "Transportation -- Motor Vehicles."]

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

13. EARLY CANVASSING OF ABSENTEE BALLOTS

Governor: Authorize municipal clerks and municipal board of election commissioners to begin canvassing absentee ballots the day before an election. Under current law, absentee ballots may not be canvassed until election day.

The early canvassing of absentee ballots would be subject to the following requirements: (a) prior to early canvassing, the municipality must notify the Elections Commission in writing and must consult with the Commission concerning administration; (b) early canvassing may be conducted only between 7:00 a.m. and 8:00 p.m. on the day before the election, and ballots may not be tallied until after polls close on election day; (c) members of the public must have the same right of access to a place where absentee ballots are being canvassed early as is provided under current law for canvassing absentee ballots on election day; (d) when not in use, equipment used and the areas where programmed media and absentee ballots are stored must be secured with tamper-evident security seals in a double-lock location; (e) subject to criminal penalty as a Class I felony, no person may act in any manner that would give him or her the ability to know or provide information on the results from the ballots before the close of polls on election day; and (f) certain notices must be provided before each election at which the municipality intends to early canvass absentee ballots. The bill specifies that certain actions required to canvass absentee ballots, such as tallying the returns for each office, may not be completed prior to election day. In addition, for procedures related to an absentee ballot request for a sequestered juror, require the municipal clerk

or agent of the clerk to deliver properly completed ballots to the election inspectors of the proper ward or election district (instead of the polling place).

Modify voting and recording absentee ballot law to specify that, when the inspectors open the ballot envelope and announce the name or identification serial number of the absentee elector, it must be done in the same room where votes are being cast or in the place where absentee ballots are being canvassed early (under current law, only the former is a location option). In addition, modify absent voting procedure law to specify that the ballot must be returned so that it is delivered to the election inspectors of the proper ward or election district (under current law, the ballot must be returned so that it is delivered to the polling place). Finally, modify statutes relating to testing of equipment, requirements for programs, and ballots to remove the language "either at the polling place or at a central counting station" and to replace the language "not more than 10 days prior to the election day on which the equipment is to be utilized" with "not more than 10 days prior to the day on which the equipment is to be utilized in an election" to effectuate the proposed early canvassing of absentee ballot provisions.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

14. CENTRAL COUNTING AT COUNTY SEAT

Governor: Specify that proceedings at each central counting location must be under the direction of the municipal clerk or an election official designated by the clerk, unless the central counting location is at the county seat, in which case the proceedings must be under the direction of the county clerk or an official designated by the county clerk.

Under current law, proceedings at a central counting location at the county seat are under the direction of the municipal clerk, or an election official designated by the clerk, unless the municipal clerk delegates the responsibility to supervise the location to the county clerk.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

15. IN-PERSON ABSENTEE VOTING

Governor: Eliminate the restriction on how soon a person may complete an absentee ballot in person. Under current law, an individual may complete an absentee ballot in person no earlier than 14 days before the election.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

16. RESIDENCY REQUIREMENT FOR VOTING

Governor: Specify that an otherwise eligible voter must be a resident of Wisconsin and of the municipality where the elector is voting for 10 consecutive days before an election, rather than

for 28 days as under current law, and may submit an application form no sooner than nine days before an election, rather than no sooner than 27 days as under current law.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

17. VOTER BILL OF RIGHTS

Governor: Create a statutory "voter bill of rights" and require that municipal clerks and boards of election commissioners post it at each polling place.

The bill of rights would inform voters that they have the right to: (a) vote if registered and eligible to vote; (b) inspect a sample ballot before voting; (c) cast a ballot if in line when the polling place closes or, if voting by in-person absentee ballot on the last day for which such voting is allowed, when the municipal clerk's office closes; (d) cast a secret ballot; (e) get help casting a ballot if disabled; (f) get help voting in a language other than English as provided by law; (g) get a new ballot, up to three ballots in all, if the voter makes a mistake on the ballot and has not yet cast the ballot; (h) cast a provisional ballot as provided by law; (i) have the voter's ballot counted accurately; (j) vote free from coercion or intimidation; and (k) report any illegal or fraudulent election activity.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)