



Legislative Fiscal Bureau

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June 13, 2016

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Government Accountability Board: Section 13.10 Request for Voter Identification Funding -- Agenda Item III

REQUEST

On May 10, 2016, the Government Accountability Board (GAB) submitted a request to the Joint Committee on Finance for transfer of \$250,000 general purpose revenue (GPR) from the Committee's supplemental GPR appropriation to the agency's general program operations appropriation [s. 20.511(1)(a), which will become s. 20.510(1)(a) under the Elections Commission effective June 30, 2016] to implement a public information campaign before the November 8, 2016, general election regarding current law photo identification requirements for voting.

BACKGROUND

On June 9, 2011, legislation requiring photo identification in order to vote, in addition to other election administration changes, was published as 2011 Act 23.

Act 23 Funding and Expenditures

Act 23 required that, in conjunction with the first regularly scheduled primary and election at which voter identification requirements initially apply, the Government Accountability Board (GAB) must conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements of the act.

With regard to funding, the 2011-13 biennial budget act (2011 Act 32) provided one-time funding of \$1.8 million GPR in 2011-12 to the GAB's biennial general program operations appropriation, and 5.0 two-year project positions to implement the provisions of Act 23. In addition, the budget act deleted a program under GAB that reimbursed municipalities for costs incurred to adjust polling hours, and the associated expenditure authority of \$82,600 annually. Instead, it provided \$82,600 annually to a new annual GPR appropriation for voter identification

training costs incurred by the Board to train county and municipal clerks concerning voter identification requirements under Act 23. This appropriation is funded at \$82,600 in 2015-16. Under the 2015 Act 118 implementation plan transitioning the GAB to the Elections and Ethics Commissions, which is currently before the Committee for approval under the procedures of s. 13.10 of the statutes, this appropriation would continue to be funded under the Elections Commission at \$82,600 in 2016-17.

The 2011-13 biennial budget act also provided that no later than July 1, 2011, and prior to making any expenditures for public information and outreach under Act 23, GAB was required to submit to the Co-Chairs of the Joint Committee on Finance, in writing, a plan identifying the specific proposed purposes for the expenditures and the proposed amounts to be expended for each purpose. On July 1, 2011, GAB submitted the required written plan to the Joint Committee on Finance. In addition to providing information on proposed expenditures for public information and outreach under Act 23, the submitted plan provided information on how the Board would expend the \$1.8 million one-time funding and \$82,600 ongoing annual funding provided to the Board, under the 2011-13 budget, to implement Act 23. No objections were raised to the plan and on July 15, 2011, the Joint Committee on Finance approved the plan. In accordance with the Board's approved plan to implement Act 23, the Board expended \$631,900 in 2011-12 and \$89,600 in 2012-13 for a total of \$721,500 for the 2011-13 biennium. The spending plan to implement Act 23 that was approved by the Joint Committee on Finance and expenditures by state fiscal year are shown in Table 1. In addition, the Board expended \$3,900 in 2013-14 for fringe benefits and training of clerks.

TABLE 1

2011-13 Expenditures to Implement 2011 Act 23

	<u>2011-12 and 2012-13 Budget</u>	<u>Actual 2011-12 Expenditures</u>	<u>Actual 2012-13 Expenditures</u>	<u>Total Expenditures</u>
One-Time Funding				
Public Information and Outreach				
Public Information Multi-Media Campaign	\$436,100	\$181,041	\$0	\$181,041
Public Outreach Campaign	<u>150,000</u>	<u>121,256</u>	<u>0</u>	<u>121,256</u>
Subtotal	\$586,100	\$302,296	\$0	\$302,297
Program Support				
Personnel (Salary and Fringe Benefits over 2 yrs)	\$599,300	\$52,455	\$65,536	\$117,991
Staff Travel	30,000	0	1,039	1,039
Equipment	10,000	9,001	0	9,001
Administrative Expense	<u>59,400</u>	<u>46,870</u>	<u>3,623</u>	<u>50,493</u>
Subtotal	\$698,700	\$108,326	\$70,198	\$178,524
Statewide Voter Registration System				
Modifications for Implementing Photo ID	<u>\$515,200</u>	<u>\$138,677</u>	<u>\$101</u>	<u>\$138,778</u>
Subtotal One-Time Funding	\$1,800,000	\$549,299	\$70,299	\$619,598
Ongoing Funding				
Voter Identification Training for Clerks	<u>\$165,200</u>	<u>\$82,600</u>	<u>\$19,349</u>	<u>\$101,949</u>
Total	\$1,965,200	\$631,899	\$89,648	\$721,547

The first regularly scheduled primary at which the requirements applied was the February, 2012, spring primary election. Subsequent decisions by state and federal courts effectively prevented the photo identification requirements from being enforced from March, 2012, through March, 2015.

Under the 2013-15 biennial budget bill (2013 Act 20), the 5.0 project positions for implementing 2011 Act 23 were extended for an additional two years. At the time of 2013-15 budget deliberations, two permanent injunctions issued by state courts were in effect, and two cases were active in federal courts. Therefore, the Committee removed \$230,400 GPR annually from the Board's general program operations appropriation, associated with funding for the project positions. Instead, Act 20 provided \$230,400 GPR annually (\$460,800 over the 2013-15 biennium) to the Joint Committee on Finance's supplemental appropriation, for potential release if the permanent injunction against the enforcement of Act 23 photo identification provisions was lifted. In April, 2014, a federal judge issued a permanent injunction against enforcement, and in July, 2014, the state Supreme Court vacated the remaining state injunction against enforcement (the other state injunction decision had been reversed upon appeal).

On September 12, 2014, a federal appeals court issued an order which stayed the remaining federal injunction against enforcement of photo identification requirements. This decision would have allowed the photo identification requirements to become enforceable. As a result, on September 29, 2014, the GAB submitted a request to the Committee for transfer of \$460,800 GPR from the Committee's supplemental appropriation to the agency's general program operations appropriation to implement a public information campaign regarding the voter identification requirements of 2011 Act 23 for the November, 2014, general election. Although the funding of \$230,400 annually had been reserved in the 2013-15 budget to fund 5.0 project positions, there would not have been sufficient time to recruit and fill the positions before the election. However, on October 9, 2014, the U.S. Supreme Court issued a conditional order vacating the September 12, 2014, stay of the permanent federal injunction. The court specified that the order would terminate automatically in the event that the plaintiffs' petition for a writ of certiorari were denied. Following the general election, the injunction against enforcement was lifted in March, 2015, when the U.S. Supreme Court denied the plaintiffs' petition for a writ of certiorari.

As noted above, the photo identification requirement was in effect for a period of several weeks preceding the November, 2014, general election, from September 12, 2014, to October 9, 2014, though the requirement was not in effect for the election itself. During this period, the Board used base resources to conduct a limited informational campaign by updating informational materials and purchasing broadcast media advertising time through a state contract. In addition, the agency used base resources to update its voter identification informational website subsequent to the law going into effect in the spring of 2015, when the U.S. Supreme Court denied the federal case plaintiffs' petition for a writ of certiorari. In 2014-15, the Board expended \$28,000 for public information campaign purposes and \$13,200 for training of clerks.

ANALYSIS

Informational Campaign Requirement

As noted by the agency in its request, 2011 Act 23 requires that the GAB must conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements of the act in conjunction with: (a) the first regularly scheduled primary; and (b) the first regularly scheduled election at which the voter identification requirements of Act 23 initially apply. Of the one-time funds provided under the 2011-13 biennial budget act (2011 Act 32) to implement the requirements of Act 23, \$436,100 was budgeted for a public information campaign over the 2011-13 biennium, as shown in Table 1 above. The GAB conducted an informational campaign for the February, 2012, spring primary election, before state injunctions were issued. In 2011-12, \$181,041 was expended for a public information campaign, for the February, 2012, spring primary election.

As noted previously, subsequent to that election, state and federal court actions prevented the photo identification requirements from being enforced from March, 2012, through March, 2015. As a result, the remaining one-time funding for a public information campaign (\$255,059) was not expended for that purpose. The first regularly scheduled non-primary election at which the photo identification requirement was enforced was the April, 2016, spring election.

Additional funds for the purpose of conducting a public information campaign prior to the first regularly scheduled non-primary election were not appropriated to the GAB at a later date. Although the April, 2016, spring election was the first regularly scheduled election at which the photo identification requirements applied, the GAB did not purchase advertising time for the election from its base resources, indicating it did not have sufficient resources to do so. Instead, the Board requested that members of the Wisconsin Broadcasters Association run the agency's public service announcements prior to the election. The Board indicates in its request that it has spent base resources of \$19,600 in 2015-16 updating the campaign and website to make it more compatible with mobile devices, and that it will use base resources of \$26,800 to modify the campaign's branding and message to reflect the transition under 2015 Act 118 from the GAB to the Elections Commission, and to add veterans' identification cards as an acceptable form of photo identification (enacted by 2015 Act 261). These expenses would not utilize the \$250,000 GPR requested for an informational campaign.

Voter Education

In relation to the request for funding, questions and concerns have been raised regarding the need for an educational campaign. The requirement to provide photo identification when voting was enacted nearly five years ago, and has been a frequent subject of public discussion since, due in part to state and federal court decisions and numerous changes in the status of enforcement over the same period. Some have observed that turnout for the April, 2016, presidential preference primary election was the highest percentage turnout for that election since 1972. While one might argue that high turnout for the spring election is evidence that the law has not negatively affected voter participation, it could also be argued that higher-turnout elections such as general elections held in presidential election years (such as the November, 2016, election) are more likely to

include participation by voters who participate less frequently, are less politically active, and therefore are less aware of the requirements in effect for identification. Likewise, it could be argued that frequent changes in status of the law may have caused confusion and make voter education more necessary.

Although clerks and polling officials are not required to systematically keep a record of the number of individuals who arrive to vote without necessary documentation and leave without requesting a provisional ballot, other information that is tracked may be helpful in providing a sense of the number of voters who could benefit from an informational campaign. For example, the number of registered voters in Wisconsin who have not yet voted in an election that required photo identification (the three elections held in February, 2012, February, 2016, and April, 2016) is about 1.4 million people. This figure does not include individuals who are not currently registered, but who may wish to register on or before election day.

Many eligible voters who have not yet voted in an election that required photo identification may have an acceptable form of identification, but may not be fully informed or aware that the requirement is in effect or what type of identification would qualify. Others may not have an acceptable form of identification, but may be unaware of exceptions that would apply to their circumstances, such as being an overseas military voter; being indefinitely confined (meaning they have a difficult time getting to the polls due to age, illness, infirmity, or disability); or needing assistance with obtaining documentation such as a copy of a birth certificate (for which the state Department of Transportation's Division of Motor Vehicles can provide assistance if the individual submits a petition).

The agency notes in its request that a Marquette University Law School poll was conducted in February, 2016, in which respondents were asked whether voters will be required to present a government-issued photo identification card in order to vote in upcoming elections. The poll, which was conducted February 18 to 21, 2016, indicated that 9.8 percent of respondents believed identification was not required, and 5.9 percent did not know whether it was or was not required. In total, 15.7 percent of respondents believed identification was not required or did not know whether it was or was not required.

Another potential indicator of the number of voters who are not aware of the identification requirement, or who may not have an acceptable form of identification, is the number of provisional ballots issued that are counted or rejected. There are three reasons a provisional ballot may be issued by an inspector or a municipal clerk: (a) an individual registering on election day possesses a Wisconsin driver license or identification card and is unable or unwilling to provide the card number on the voter registration application; (b) an individual is a first-time voter who registered by mail before April 4, 2014, and is unable to provide poll workers with acceptable proof of residence; or (c) an individual is unable or unwilling to present acceptable proof of identification. In some cases of individuals, more than one reason may apply. An individual who fills out a provisional ballot must provide poll workers with the required information before the polling place closes at 8 pm on the day of the election, or provide the required information to the municipal clerk by 4 pm the Friday after the election. A provisional ballot is not counted unless the required documentation is provided within this timeframe. There are a number of reasons an individual may not return with required documentation in time for a ballot to be counted. For

example, an individual may not have time to return to the polling place or the clerk's office, even if they possess an acceptable form of identification. An individual might have time to return to the polling place or the clerk's office, but not have time or transportation to travel to a state Division of Motor Vehicles office to apply for an identification card. Similarly, an individual may not be able to produce documentation, including with Division of Motor Vehicles assistance, in time to present proof of identification at the polling place or the clerk's office.

The Board notes in its request that 375 provisional ballots were issued in the April, 2016, election, of which 258 were rejected and 108 were counted. For the remaining nine ballots, clerks did not report the status of the ballots to the GAB. Subsequent to the agency submitting its request, updated provisional ballot data was provided by several municipal clerks. As of June 7, 2016, data provided by clerks to the GAB indicates that 381 provisional ballots were issued, of which 308 were specifically issued to individuals who did not have proof of identification. Of these provisional ballots, 217 were rejected and 91 were counted. A table showing the number of provisional ballots issued per county for photo identification for the April election, including the number that were rejected or counted, is provided as an attachment to this memorandum. Figures for individual counties in the attachment reflect totals for municipalities that are located entirely within one county. Municipalities located in two or more counties are listed separately and are not included in individual county totals. It should be noted that the GAB received reports from individuals who said they had wished to vote in the April, 2016, election, but chose not to fill out a provisional ballot because they did not believe they could obtain the necessary documentation by 4 pm on the Friday after the election. These individuals would not be reflected in the number of provisional ballots that were issued for the election.

Lastly, a court decision is expected to be made in late July, 2016, for an active federal case relating to photo identification requirements in Wisconsin. Any decision that could be made by a court relating to the enforcement of voter identification before the general election could additionally contribute to the need for voter education regarding the requirements in effect.

Informational Campaign Options

Under the proposal, the GAB would hire an advertising firm it contracted with previously to develop advertisements for photo identification requirements, Knupp, Watson & Wallman, Inc. (KW2). The request outlines two potential public information campaigns and proposes that the Elections Commission (to which elections administration responsibilities will transfer on June 30, 2016) be permitted to spend the funds on an information campaign as it deems appropriate. The two campaign options would use funding to purchase advertising as shown in Table 2 below. Each proposal would expend \$250,000 GPR, but would do so for different types of media or different lengths of time. The campaign proposals are timed to reach audiences this summer and early fall, to ensure that individuals have time to acquire necessary documentation and to take advantage of lower advertising rates prior to market rate increases after Labor Day in September.

TABLE 2

**GAB Public Information Campaign Request
May, 2016**

	<u>Option 1</u>	<u>Option 2</u>
Radio and television public service announcements (18 weeks or eight weeks)	\$108,000	\$48,000
Desktop and mobile device display advertisements (two months)	48,075	38,675
Online video advertisements (three months)	93,925	93,925
Cinema pre-show advertisements (one month)	0	27,675
Interior bus advertisements (one month)	0	14,100
Sponsored posts on Facebook (two to three months)	<u>0</u>	<u>27,625</u>
Total	\$250,000	\$250,000

The Board indicates that the options were designed to reach as many voters as possible through paid public service announcements on television and radio stations, as well as through targeting students, low-income individuals, and minorities using other media. The advertising firm developed the proposed campaigns based on media usage by those groups, cost-efficiency, and expected impact. Public service announcements for the campaign consist primarily of 15 and 30 second segments that can be played through traditional television and radio, online video, and online audio websites and applications. Two of the radio advertisements are available in Spanish. Funds for the airing of television and radio announcements would utilize an existing state contract negotiated by the Department of Administration and the Wisconsin Broadcasters Association through its Non-Commercial Sustaining Announcement Public Education Program, at a cost of \$6,000 per week. Specific airtimes or frequencies cannot be guaranteed through the state contract, but the contract requires the Association to provide the agency with regular reports of how often stations are broadcasting the public service announcements. An informational campaign could also use digital advertisements, printed media, and billboards.

The informational campaign would carry awareness messages (informing individuals that an acceptable form of photo identification is now required to vote) and how-to messages (informing individuals how to obtain a free identification card for the purpose of voting from the Division of Motor Vehicles).

If the request is approved, KW2 would consult with incoming members appointed to the Elections Commission regarding the full array of options for an informational campaign, prior to the Commission making a final decision regarding the components of the campaign.

Other Means to Inform Voters

Some have raised questions about the effectiveness of reaching individuals through a public information campaign, and have noted that political campaign advertising during the months before a general election may compete for the attention of potential voters. It is because of this, and the increase in pricing during that period, that the proposed informational campaign would be timed to place advertisements in the summer and early fall.

However, other points could be made regarding the nature of a public information campaign, in comparison to other means of informing voters. On one hand, an information campaign such as the proposed options developed by KW2 would have a broad reach and impact on the general population of potential voters. The types of advertisements would target students, low-income individuals, and minorities, and the campaign would be inexpensive in terms of the number of individuals who would see or hear the message. On the other hand, the amount of information and detail that can be conveyed in a 15 or 30 second message may be limited. For individuals who do not possess an acceptable form of identification, more detailed information or assistance relating to applying for a state identification card could be beneficial. Although this information is available on GAB's voter identification informational website, a potential voter would need to take additional steps to access this information. Individuals without convenient access to the internet would have more difficulty learning how to obtain a state identification card.

When the GAB developed a plan for spending one-time funds of \$1.8 million GPR provided under 2011 Act 32, which was approved by the Committee on July 15, 2011, in addition to allocating \$436,100 for a public information campaign, \$150,000 was allocated for a public outreach campaign. As shown in Table 1, 2011-13 expenditures totaled \$181,000 for the public information campaign and \$121,300 for the public outreach campaign. It could be argued that limited resources may be better utilized to conduct outreach activities that are targeted to groups that may have difficulty obtaining acceptable proof of identification, and which could provide detailed instruction or assistance in obtaining such documentation. The spending plan approved in July, 2011, indicated that funding for a public outreach campaign would be provided through an existing state contract to purchase professional services for developing and deploying an outreach campaign. The campaign would identify groups of eligible voters needing assistance, identify organizations that work with these groups, develop educational materials for organizations to use in training their members or staff about the identification requirement, and communicate educational messages on a personal level, among other activities. An outreach campaign was conducted at that time, and could be conducted again for the November, 2016, general election. However, it should be noted that time to plan and implement an effective outreach campaign is limited.

Another option that could be considered would be a direct mailing to registered voters who may not possess acceptable proof of identification. The Board could produce a list of registered voters who have not yet voted in an election requiring photo identification. As noted previously, about 1.4 million registered voters would meet this condition. The Department of Transportation's (DOT) Division of Motor Vehicles and Division of Business Management could compare a list of individuals provided by the GAB with its records of individuals who have been issued a Wisconsin driver license or state identification card. The Department of Transportation indicates that it would take approximately two weeks and \$2,700, which would be utilized from base DOT resources, to assist in producing a list of individuals who do not have a qualifying license or card that could be used to vote.

Based only on data in the statewide voter registration system at this time, of the 1.4 million registered voters who have not voted with photo identification, only about 254,600 individuals do not have a driver license number or state identification card number listed with their voter record.

The cost to send detailed instructions in a one-page letter to a group of this size would be \$118,400. Several points should be noted with regard to this option. First, the actual number of registered voters that would be identified by DOT based on the criteria specified may be different than the estimate based on voter records, because voter registration data may include: (a) individuals whose license or card expired prior to November, 2014, or is not valid and could not be used for voting; and (b) individuals who have a valid license or card but do not have a number associated with their record due to having registered prior to the requirement to provide a driver license number or state identification card number with registration, or due to having registered prior to obtaining a valid Wisconsin driver license or identification card. Second, a direct mailing to registered voters would not inform voters who have not yet registered. Anyone who registers to vote at a later date, including on election day, would not receive information relating to proof of identification requirements. This could include first-time voters such as individuals who reach 18 years of age on or before the day of the election. Third, some proportion of the mailings would be returned due to a change in address. When the GAB last conducted four-year voter registration record maintenance in June, 2015, as required under ss. 6.50(1) and (2) of the statutes, it mailed notices to 97,981 voters who had not voted within the past four years. Of the total, 25,179 notices were returned to the agency as undeliverable. If a letter sent to 254,600 voters had a similar proportion (25.7%) returned, about 65,400 letters would be returned as undeliverable. Finally, it is possible that a number of registered voters who have acceptable proof of identification, and who would not receive the mailing, may not be aware of the specific requirements in effect and may fail to bring acceptable documentation to vote.

If the Committee wished to provide additional flexibility for the Elections Commission to determine the best use of funds to inform potential voters, it could provide funding to the Commission, and specify that it may be used for voter outreach as well as for a public information campaign.

Available Funding

The Joint Committee on Finance's supplemental GPR appropriation is biennial. As such, unspent funding in the appropriation lapses at the end of the biennium. As a result of the U.S. Supreme Court's October 9, 2014, decision, monies reserved in 2013-15 for 5.0 project positions for voter identification implementation were unspent and, thus, lapsed to the general fund. Further, additional funding was not specifically appropriated for a voter identification public information campaign in the 2015-17 budget. Currently, the unreserved amount of funding available in the Committee's supplemental GPR appropriation is \$133,600 annually, for a total of \$267,200 GPR over the 2015-17 biennium.

Given that the amount of funding requested is available, the Committee could choose to approve the request for transfer of \$250,000 GPR from its biennial supplemental GPR appropriation to the Elections Commission's general program operations appropriation (renumbered from the GAB's biennial general program operations appropriation effective June 30, 2016) to fund a photo identification informational campaign prior to the November, 2016, general election. The unreserved amount of funding remaining in the Committee's appropriation for the remainder of the 2015-17 biennium would be \$17,200 GPR. [Alternative 1]

If approved as submitted, the requested funding of \$250,000 would be transferred to the Election Commission's biennial general program operations appropriation in the second year of the biennium, 2016-17, and would remain in the agency's base for the 2017-19 biennium. The Committee could choose to approve the request, and specify that the funding is to be provided on a one-time basis. [Alternative 2]

It should be noted that at the time of enactment of 2015 Act 118, in which the Board was eliminated and in its place the Elections Commission and Ethics Commission were created, effective June 30, 2016, the allocation of funding and positions from the Board to the Commissions had not been determined. Rather, funding to GAB in 2016-17 was transferred from the Board's appropriations to the supplemental appropriations of the Joint Committee on Finance in the following amounts: (a) \$2,920,500 GPR; (b) \$559,500 PR; (c) \$3,015,100 FED; and (d) \$100 SEG. Under Act 118, the Secretary of the Department of Administration is required to develop an implementation plan for the transition, including a proposal to allocate funding and positions to each Commission. The implementation plan is currently before the Committee for approval under the procedures of s. 13.10 of the statutes. As noted in the memorandum to the Committee relating to the plan, funding for Ethics Commission investigations is proposed at \$225,000 GPR in 2016-17. Expenditures by GAB for investigations from 2008-09 to 2015-16 (to date) are shown in Table 3 below.

TABLE 3

**GAB Investigations Expenditures,
2008-09 to 2015-16
June, 2016**

<u>Fiscal Year</u>	<u>Expenditures</u>
2008-09	\$45,600
2009-10	17,300
2010-11	43,100
2011-12	46,100
2012-13	47,700
2013-14	178,900
2014-15	0
2015-16*	0

*Expenditures as of June 1, 2016.

Also noted in the memorandum regarding the implementation plan, Act 118 provides legislative oversight over the use of funds for investigations. The act changes investigations appropriations from being sum sufficient to annual, and each Commission may submit to the Committee a request that supplemental funds be credited to its appropriation for the purpose of continuing an ongoing investigation. The request would be subject to a 14-day passive review process. A request for supplemental funding must contain a statement of the action requested, the purpose of the request, the statutory provision authorizing or directing the performance of the action, and information about the nature of the investigation for which the Commission seeks

supplemental funds, excluding the name of any individual or organization that is the subject of the investigation.

Therefore, it could be argued that funding for Ethics Commission investigations under the implementation plan may be more than what is needed to conduct preliminary investigations as specified under Act 118, sections 18 and 195 without receiving a recommendation from the Commission to commit additional resources, or requesting Committee approval for supplemental funding. An alternative presented in that memorandum would transfer \$47,000 GPR from the investigations appropriation to be used for increased meeting costs associated with creating two Commissions, including per diems for Commission members. If this transfer were made, remaining funding for ethics investigations would total \$178,000. As shown in the table above, in most years, investigations expenditures by the GAB did not exceed \$50,000. Given that the investigations appropriation under GAB was sum sufficient and that funding for investigations over the period was therefore not subject to legislative approval, it could be argued that \$50,000 would be sufficient expenditure authority to meet the legislative intent of Act 118. On the other hand, it could be argued that it is difficult to anticipate how much would be needed to conduct preliminary investigations in a given year, and that the Ethics Commission should have the resources necessary to determine if a complaint has merit and should be investigated more fully.

The Committee could choose to transfer an additional portion of investigations funds for the purpose of funding a photo identification informational campaign, which would have the effect of reducing the amount needed from the Committee's supplemental appropriation in order to fund the campaign at \$250,000 in total. The following alternatives, combined with a transfer of \$47,000 for Commission meeting costs, would provide \$250,000 GPR for the photo identification informational campaign and set Ethics Commission investigations funding at \$50,000, \$100,000, or \$150,000. [If the Committee does not choose the alternative to transfer \$47,000 under the implementation plan, an additional \$47,000 would be available for an informational campaign.] The Committee could: (a) transfer \$128,000 GPR from the Ethics Commission's investigations appropriation in 2016-17 and provide \$122,000 GPR from the Committee's biennial supplemental GPR appropriation in 2015-16 [Alternative 3a, investigations funding of \$50,000]; (b) transfer \$78,000 GPR from the investigations appropriation and provide \$172,000 GPR from the Committee's supplemental appropriation [Alternative 3b, investigations funding of \$100,000]; or (c) transfer \$28,000 GPR from the investigations appropriation and provide \$222,000 GPR from the Committee's supplemental appropriation [Alternative 3c, investigations funding of \$150,000].

If the Committee wishes to provide the Elections Commission flexibility in determining the best use of funds provided to inform potential voters, it could provide funding and specify that it may be used for voter outreach as well as for a public information campaign. Under this alternative, the Commission could fund a public information campaign, conduct a voter outreach campaign, send a targeted direct mailing to registered voters with detailed instructions for obtaining a state identification card, or choose a combination of options to inform potential voters of the identification requirement. [With a budget of \$250,000, if a direct mailing were sent to 254,600 registered voters at a cost of \$118,400, the remaining funds for an informational campaign or other outreach would be \$131,600.] This alternative could be selected with other specified funding options, from Committee supplemental funding, ethics investigations funding, or a combination of the two. [Alternative 4]

If funding of less than \$250,000 is provided, fewer types of media or shorter lengths of time could be purchased to conduct the campaign within the budget provided. The Elections Commission would thus need to determine which types of advertising and lengths of time could be purchased within the funding provided. If the Committee wishes to provide funding for a campaign, but at a lower amount, it could fund the campaign at some amount other than \$250,000. Likewise, if the Committee wished to provide more than \$250,000 to fund an informational campaign or voter outreach (or both), it could provide additional funds from some combination of Committee funding and ethics investigations funding. [If ethics investigation funding of \$128,000 were utilized in combination with the Committee's unreserved supplemental funding of \$267,200, a total of \$395,200 could be provided.] The Elections Commission would then need to determine how that funding would be allocated. [Alternative 5]

Finally, the Committee could choose to deny the request for funding. Under this alternative, the Elections Commission would need to conduct its responsibilities within the agency's base resources. If the Commission determines that funding necessary to purchase advertising time or space is not available, it could request that Wisconsin Broadcasters Association members play the public service announcements previously prepared by the GAB and Knupp, Watson & Wallman, Inc., as the GAB requested of them prior to the April, 2016, election. Information regarding photo identification requirements would also be available on the agency's Bring It to the Ballot voter identification informational website. [Alternative 6]

ALTERNATIVES

1. Approve the request to transfer \$250,000 GPR in 2015-16 from the Committee's supplemental appropriation [s. 20.865(4)(a)] to the Election Commission's biennial general program operations appropriation in 2016-17 [s. 20.510(1)(a), renumbered from s. 20.511(1)(a) effective June 30, 2016] to implement a public information campaign regarding current law photo identification requirements.
2. Approve the request. In addition, specify that funding be provided on a one-time basis.
3. Provide \$250,000 GPR to the Elections Commission's general program operations appropriation in 2016-17 from the following sources for a public informational campaign as follows, and specify that the funding is to be provided on a one-time basis:
 - a. Transfer \$128,000 GPR from the Ethics Commission's investigations appropriation in 2016-17 and provide \$122,000 GPR from the Committee's supplemental GPR appropriation in 2015-16. [This alternative would establish ethics investigations funding at \$50,000 GPR in 2016-17.]
 - b. Transfer \$78,000 GPR from the Ethics Commission's investigations appropriation in 2016-17 and provide \$172,000 GPR from the Committee's supplemental GPR appropriation. [This alternative would establish ethics investigations funding at \$100,000 GPR in 2016-17.]

c. Transfer \$28,000 GPR from the Ethics Commission's investigations appropriation in 2016-17 and provide \$222,000 GPR from the Committee's supplemental GPR appropriation. [This alternative would establish ethics investigations funding at \$150,000 GPR in 2016-17.]

4. Specify that funding provided under Alternatives 1, 2, or 3 could be used as the Elections Commission deems appropriate for: (a) an informational campaign; (b) voter outreach; or (c) both.

5. Provide one-time funding at some level other than \$250,000. Whatever funding level is selected could be funded from the Committee's supplemental appropriation or some combination of the supplemental appropriation and the Ethics Commission's investigations funding.

6. Deny the request.

Prepared by: Rachel Janke
Attachment

ATTACHMENT

Provisional Ballots for Photo Identification April 5, 2016, Spring Election

<u>County*</u>	<u>Rejected</u>	<u>Counted</u>	<u>Total Issued</u>
Brown	1	1	2
Buffalo	0	1	1
Chippewa	1	0	1
Clark	3	0	3
Dane	106	44	150
Dodge	0	1	1
Douglas	0	1	1
Dunn	2	2	4
Eau Claire	2	1	3
Florence	0	1	1
Iowa	1	1	2
Jefferson	1	0	1
Juneau	0	1	1
Kenosha	0	2	2
La Crosse	13	2	15
Manitowoc	1	0	1
Marathon	3	0	3
Marinette	1	0	1
Milwaukee	15	3	18
Outagamie	4	1	5
Ozaukee	1	0	1
Racine	4	2	6
Rock	3	0	3
Sauk	1	0	1
Shawano	0	1	1
St. Croix	1	1	2
Walworth	1	2	3
Washington	0	1	1
Waukesha	3	5	8
Waupaca	1	0	1
Waushara	0	3	3
Winnebago	1	1	2
Wood	0	1	1
City of Appleton, Multiple Counties	0	1	1
City of Ashland, Multiple Counties	1	0	1
City of Eau Claire, Multiple Counties	6	1	7
City of Marshfield, Multiple Counties	1	1	2
City of Milwaukee, Multiple Counties	37	6	43
City of Watertown, Multiple Counties	2	2	4
Village of Spring Valley, Multiple Counties	<u>0</u>	<u>1</u>	<u>1</u>
Total	217	91	308

*Municipality where multiple counties indicated