



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #287

Chief Inspector Training and Certification Program (Elections Board)

[LFB 2003-05 Budget Summary: Page 145, #8]

CURRENT LAW

All Wisconsin polling places must have a certified chief inspector for all elections by September 1, 2004. Further, no person may serve as a chief inspector who has not been certified by the Elections Board (Board), first effective for any election held on or after September 1, 2004.

Under the chief inspector training and certification program, the Board must: (1) prescribe, by rule, the certification requirements for individuals to serve as chief inspectors; (2) upon application, issue certificates with expiration dates to qualified chief inspectors who have met the Board's requirements; (3) require each individual issued such a certificate to meet requirements to maintain certification; (4) renew the certificate, when requested, of those individuals meeting the Board's renewal requirements; (5) conduct regular training and administer examinations to ensure a knowledgeable corps of certified chief inspectors; and (6) pay all costs required to conduct chief inspector training and to administer the examinations.

The program is funded by a GPR biennial appropriation under the Board for the training of chief inspectors. Base level funding for the appropriation is \$0.

GOVERNOR

Authorize the Board to assess municipalities for the agency's costs incurred in carrying out the chief inspector training and certification program. Specify that the amount assessed to a municipality may not exceed the costs incurred by the Board attributable to that municipality. Create a PR continuing appropriation to receive the assessment revenues and specify that the Board may expend such funds for the purpose of training chief inspectors. As a continuing

appropriation, the Board would have the authority to expend all available revenues, subject to the Department of Administration allotment process.

DISCUSSION POINTS

1. The chief inspector training and certification program was created under 2001 Wisconsin Act 16 (the 2001-03 biennial budget act). This legislation initially provided that: (a) all Wisconsin polling places must have a certified chief inspector for all elections held on or after September 1, 2002; and (b) no person may serve as a chief inspector who has not been certified by the Board, first effective for any election held on or after September 1, 2002. The Board was provided \$45,000 GPR in 2001-02 in a biennial training of chief inspectors appropriation to offset the agency's costs of administering the program.

2. The program requires the Board to conduct regular training and administer examinations to ensure that the individuals the agency certifies as chief inspectors are knowledgeable concerning their authority and responsibilities. Amounts in the Board's new biennial appropriation were intended to fund all costs required to conduct the chief inspector training and to administer the examinations.

3. During deliberations on 2001 Wisconsin Act 109 (the 2001-03 budget adjustment act), the Board presented a proposal to Joint Finance to delay the effective date for the chief inspector training and certification program from September 1, 2002, to September 1, 2004. The delay was requested to permit the Board to transfer \$38,400 GPR of available funds in its biennial training of chief inspectors appropriation to its GPR-funded general program operations appropriation to manage across-the-board reductions applied to the agency. This proposal was subsequently adopted and was included under Act 109.

4. Under Senate Bill 44, no GPR funding is recommended for the program. However, the Board would be permitted to assess municipalities for the agency's costs in carrying out the program. Board assessments would be subject to the limitation that the charges to any municipality could not exceed the costs incurred by the Board attributable to that municipality. The Board would credit the assessments to a new PR continuing appropriation that could be used to support the operation of the program.

5. It is the responsibility of the municipal clerk, in coordination with the Board, to instruct election officials in their duties. Since the Legislature has further determined that uniform standards for the conduct of elections is desirable as a matter of public policy and that the Board should ensure that standardized training is offered for the benefit of local election officials, it could be argued that it is appropriate for the Board to assess municipalities for its training services. This view would suggest that the Governor's recommendation be approved.

6. On the other hand, it can be argued that it was not the Legislature's original intent that municipalities contribute to program costs for the training and certification of chief inspectors. When Act 16 established the program, the Legislature created and funded a biennial GPR

appropriation to fund all costs associated with the operation of the chief inspector program. Consistent with the Legislature's original intent concerning program funding, the Committee could choose to delete the Governor's recommendation authorizing the assessment of municipalities for the chief inspector training program.

7. If the Committee chooses to delete the Governor's recommendation authorizing the Board to assess municipalities costs of the chief inspector training program, it would appear that there are at least three options that could then be pursued for the chief inspector training and certification program. First, the Board could apply available federal Help America Vote Act of 2002 (HAVA) funding to support the training program. Second, the Committee could consider delaying the September 1, 2004, implementation date for the chief inspector program. Finally, the Committee could provide GPR funding under the Board's biennial appropriation for chief inspector training.

8. With respect to the first option, the Governor has indicated an intent in the Executive Budget Book to have the chief inspector training program funded from HAVA monies. Training of election officials and poll workers is an eligible use of HAVA funding. Further, depending on what source of HAVA funds the Board might choose to draw on, a state GPR match might not be required.

9. Thus, if the Committee deletes the provisions permitting the Board to assess municipalities for the costs of the chief inspector training program, the Board could still proceed with program implementation during 2003-05 utilizing federal HAVA funding.

10. However, HAVA not only provides significant federal funding, but also imposes costly new requirements on the states. Wisconsin will be required to meet major new requirements by January 1, 2006, regarding: (a) implementation of a statewide voter registration system; and (b) equipping all polling stations with voting systems accessible to individuals with disabilities, including nonvisual accessibility for the blind and visually impaired.

11. As a second option, the Committee could consider delaying the implementation of the chief inspector training and certification program to elections held on or after September 1, 2006. This delay would permit the Board to dedicate staff and resources to meeting the many new requirements of HAVA during the upcoming biennium. If the Committee wishes to avoid the creation of an assessment on municipalities for chief inspector training, delaying implementation would also eliminate the need for such an assessment during 2003-05.

12. Finally, the Committee could provide GPR funding for the chief inspector training and certification program. The Board requested \$250,000 GPR in 2003-04 and \$125,000 GPR in 2004-05 under its biennial appropriation for this purpose.

13. The Board's request was based on estimated costs of \$50 per participant in the program, with 5,000 estimated participants in 2003-04 and 2,500 estimated participants in 2004-05. Estimated costs included: (a) contracting for record keeping services; (b) development of

instructional materials; (c) meals for participants; (d) facilities rental; and (e) reimbursing participants for travel. The Governor denied this request. The Committee could provide the requested GPR amounts if it does not wish to apply federal HAVA funds, delay the program's implementation date, or authorize the assessment of municipalities for the costs of the program.

ALTERNATIVES

1. Approve the Governor's recommendation to: (a) authorize the Board to assess municipalities for the agency's costs incurred in carrying out the chief inspector training and certification program; (b) specify that the amount assessed to any such entity may not exceed the costs incurred by the Board attributable to that municipality; and (c) create a PR continuing appropriation to receive the assessment revenues and specify that the Board may expend such funds for the purpose of training chief inspectors.

2. Delete provision.

3. *In addition to Alternative 2*, amend current law to provide that: (a) all Wisconsin polling places must have a certified chief inspector for all elections by September 1, 2006; and (b) no person may serve as a chief inspector who has not been certified by the Board, first effective for any election held on or after September 1, 2006.

4. *In addition to Alternative 2*, provide \$250,000 GPR in 2003-04 and \$125,000 GPR in 2004-05 under the Board's biennial appropriation for the training of chief inspectors.

<u>Alternative 4</u>	<u>GPR</u>
2003-05 FUNDING (Change to Bill)	\$375,000

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