

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-2500/1	Introduction Number SB-179	
Description Deceptive election practices; voter intimidation, suppression, and protection; granting rule-making authority; and providing penalties		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.510		
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Fiscal Estimate Narratives

GAB 5/25/2009

LRB Number	09-2500/1	Introduction Number	SB-179	Estimate Type	Original
Description Deceptive election practices; voter intimidation, suppression, and protection; granting rule-making authority; and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

A. This legislation requires the Government Accountability Board to promulgate rules to enforce the proposed statutory changes.

This legislation requires significant rule-making for enforcement of the proposed statutory changes and concerning the methods and means of providing corrective information to electors under the proposed s. 12.17(5), Stats. Currently, the agency has two full-time staff attorneys fully dedicated to other rule-making and legal functions. The addition of one full-time staff counsel, dedicated to this and the requirements of parts B-F below, will ensure that the requirements of the legislation are met and enable the agency to monitor compliance with the rules. In addition, the administrative support positions of the agency have been understaffed for over a decade. The addition of one full-time administrative support person dedicated to parts A-F herein will ensure that the requirements of the legislation are met and sustained.

See part G below for cost estimate.

B. This legislation requires the Government Accountability Board to revise election administration manuals to include, among other things, specific examples of common problems encountered at polling places on Election Day and detailed, specific procedures for resolving those problems. These requirements involve substantial additions and frequent updating to the election administration manuals. This legislation also requires revisions of election administration manuals to include explanations of each of a list of ten items. These required explanations involve substantial additions to election administration manuals and some require frequent updating, i.e. proper operation of any electronic voting system used at the polling place and security procedures.

This legislation requires significant changes to election administration manuals and will result in additional training of election officials. Currently, the agency has 2 full-time election specialists funded with GPR monies and dedicated in part to revision of and training on election administration manuals, electronic voting system use, and security procedures. This position has been understaffed for more than a decade as election administration duties and requirements have increased. The addition of one full-time election specialist will ensure that the requirements of the legislation are met and maintained. In addition, the administrative support positions of the agency have been understaffed for over a decade. The addition of one full-time administrative support person dedicated to parts A-F herein will ensure that the requirements of the legislation are met and sustained.

See part G below for cost estimate.

C. This legislation requires the dissemination through Internet and radio, television, and newspaper advertisements information concerning complaint procedures and remedies for deceptive election practices under the proposed s. 12.17, Stats.

This legislation does not specify the frequency and location of the dissemination of information concerning complaint procedures and remedies for deceptive election practices. Advertising costs for radio, television and newspaper are variable across the State. If dissemination of this information is required in multiple media forms, multiple times, and in multiple media markets for each general election, these costs could be hundreds of thousands of dollars. In addition, at least one staff person would have to coordinate the dissemination of information that is required by this legislation and contact all the media outlets. The administrative support positions of the agency have been understaffed for over a decade. The addition of one full-time administrative support person dedicated to parts A-F herein will ensure that the requirements of the legislation are met and sustained.

See part G below for cost estimate.

D. This legislation creates s. 12.17, Stats., which prohibits deceptive election practices and requires the Government Accountability Board to review and investigate verified complaints within 24 and 48 hours respectively, with immediate investigations of verified complaints occurring within 72 hours before an election. However, generally a district attorney has the sole prosecutorial authority over violations of this proposed legislation. Specifically, the legislation prohibits any person from intentionally inducing another person to refrain from registering or voting at an election by knowingly providing that person with false election-related information. The term "election-related information" means information concerning any of the following: a) date, time, place or manner of conducting an election; b) the qualifications for or restriction on the eligibility of electors voting at an election, including any criminal penalties associated with voting in an election or a voter's registration status or eligibility; c) explicit endorsement by any person of a candidate at an election. This broad definition of "election-related information" will likely result in a larger number of verified complaints. Concurrently with a larger number of verified complaints, this legislation will likely require a larger number of formal investigations regarding, in particular, the "manner of conducting an election" or "eligibility of electors." Furthermore, this legislation also requires the Government Accountability Board to take all measures necessary to provide correct information to electors who may have been deceived by the actions of an alleged violator.

This legislation creates a new criminal provision and requires the Government Accountability Board to review and investigate certain verified complaints within 72 hours. Currently, district attorneys investigate similar criminal matters arising out of Chapter 12, Stats. However, this legislation mandates that the Government Accountability Board investigate verified complaints regarding deceptive election practices.

Based upon the provisions of the legislation and recent election experience, 10-20 verified complaints are anticipated for each election. These verified complaints would likely arise from jurisdictions across the state. Currently, the agency has two full-time staff attorneys fully dedicated to other rule-making and legal functions. The addition of one full-time staff counsel, dedicated to these investigations, managing investigators, and the requirements of parts A-C above and E-F below, will ensure that the requirements of the legislation are met and enable the agency to monitor compliance with the rules.

In addition, assuming 10-20 verified complaints across various jurisdictions per election and the short time frame to investigate the matters, the Government Accountability Board would likely contract on average 5 investigators per election. Due to the time constraints for investigations, multiple investigators would be required to conduct investigations in various locales of the State at the same time. These investigators would cost on average \$250.00 per hour and each investigation would likely take an estimated 20 hours. The average cost of an investigator per verified complaint investigation would be \$5,000.00. Total cost for investigators per election would likely average \$50,000.00 to \$100,000.00. On even-numbered years there will be at least 4 separate elections and on odd-numbered years at least 2 separate elections. This excludes special elections that may occur from time to time.

In addition, the administrative support positions of the agency have been understaffed for over a decade. The addition of one full-time administrative support person dedicated to parts A-F herein will ensure that the requirements of the legislation are met and sustained.

See part G below for total cost estimate.

E. This legislation requires the Government Accountability Board to report to the chief clerk of each house of the legislature concerning any complaints under the proposed s. 12.17, Stats., no later than 90 days after each general election.

Currently, the agency has two full-time staff attorneys fully dedicated to other rule-making and legal functions. The addition of one full-time staff counsel, dedicated to these reports to the legislature, and the requirements of parts A-D above and F below, will ensure that the requirements of the legislation are met and enable the agency to monitor compliance with the rules. In addition, the administrative support positions of the agency have been understaffed for over a decade. The addition of one full-time administrative support person dedicated to parts A-F herein will ensure that the requirements of the legislation are met and sustained.

See part G below for total cost estimate.

F. This legislation requires the Government Accountability Board, in consultation with the department of justice and federal election assistance commission, to study the feasibility of providing corrective information through public service announcements, other uses of broadcast media, or an emergency alert system.

Currently, the agency has two full-time staff attorneys fully dedicated to other rule-making and legal functions. The addition of one full-time staff counsel, dedicated to this study of providing corrective information to the public, and the requirements of parts A-D above, will ensure that the requirements of the legislation are met and enable the agency to monitor compliance with the rules. In addition, the administrative support positions of the agency have been understaffed for over a decade. The addition of one full-time administrative support person dedicated to parts A-F herein will ensure that the requirements of the legislation are met and sustained.

See part G below for total cost estimate.

G. Annual Cost Estimates

1. Staff:

Hrly. Salary Hours FTE Ann. Salary Fringe Benefits

One add. staff counsel: \$39.65 2,080 \$82,474 \$35,878

One add. elec. specialist: \$22.00 2,080 \$45,760 \$19,906

One add. admin. support: \$13.69 2,080 \$28,484 \$12,390

Total annual cost of salaries and benefits: \$156,718 \$68,174

2. Contract Investigators:

Even-numbered years (4 elections): \$200,000 to \$400,000

Odd-numbered years (2 elections): \$100,000 to \$200,000

Special elections: Indeterminate

3. Advertising: Indeterminate

Long-Range Fiscal Implications

Significant long-range fiscal implications result from this legislation, particularly regarding the investigation and advertising costs required of the agency. In addition, the agency would require additional permanent staff and would incur repeat increased operating costs to meet the requirements of this legislation.