



# ANDRÉ JACQUE

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*Testimony before the Senate Committee on Elections, Election Process Reform and Ethics  
State Senator André Jacque  
March 11, 2021*

Chair Bernier and Committee Members,

Thank you for the opportunity to submit testimony in support of Senate Bill 21, the Local Government Special Election Cost Relief Act, to require state reimbursement of the significant unfunded and unanticipated costs that such elections force upon local governments. When the Governor calls a special election for a state office, local municipalities are currently put on the hook for unreimbursed expenses for administering the special election (and special primary, if applicable) that can easily exceed a hundred thousand dollars across a single Assembly District, regardless of turnout.

Local governments are already forced to stretch their budgets for election administration from two elections in odd-numbered years to four in even-numbered years. Under current law, special elections occur with very little control, and municipalities have to shoulder nearly all of the costs incurred. With little warning these unexpected elections can have substantial fiscal impacts on local governments that already have limited budgets.

Under SB 21, a cost is eligible for reimbursement only if the Wisconsin Elections Commission determines that the cost is reasonable and the rate paid by the county or municipality for the cost does not exceed the rate customarily paid for similar costs at a primary or election that is not a special primary or election. Among the costs covered by the bill are rental payments for polling places, election day wages paid to election officials working at the polls, costs for the publication of required election notices, printing and postage costs for absentee ballots and envelopes, data entry costs for a statewide voter registration system, and other significant election costs identified by municipal clerks in previous state surveys. Senate Bill 21 applies to special elections called by the Governor to fill a vacancy for the offices of State Senate and Assembly, statewide constitutional officers, state judges and district attorneys. If the special election or special primary is consolidated with a regularly scheduled statewide election, the state would only reimburse the costs directly associated with the vacancy (a special primary or special election not consolidated with a regular election).

Nearly identical legislation (2019 SB 71/AB 64) was introduced last session (the sole difference is that the prior legislation also would have applied to special elections for Congress) and passed Senate and Assembly Committees last session on 5-0 and 7-0 votes, respectively. It passed the Senate on a 33-0 vote and Gov. Evers publicly supported its passage (and included it with his 2021-'23 budget proposal), though the bill was not taken up by the full Assembly before session adjourned. With the slight narrowing of scope, I am confident that this legislation will be enacted this session.

The Local Government Special Election Cost Relief Act is a common sense fix, saving local government dollars, and I thank you for your consideration.



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# SHAE SORTWELL

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STATE REPRESENTATIVE • 2<sup>nd</sup> ASSEMBLY DISTRICT

**Hearing Testimony**  
**Senate Committee on Elections, Election Process Reform, and Ethics**  
**March 11, 2021**  
**Senate Bill 21**

Senator Bernier and members of the Elections, Election Process Reform, and Ethics Committee, thank you for affording me with the opportunity to testify on behalf of Senate Bill 21, regarding state payments of costs for special elections.

Senate Bill 21 has a simple aim: to relieve counties and municipalities of the uncertainty and costs associated with special elections for state office.

The cost of executing regularly scheduled elections has been a subject of debate. Elections are expensive affairs. As you will hear from witnesses today, special elections cause even greater strain on county and local budgets. Naturally, special elections come as a surprise, and local government must account for them outside of their normal budgeting and expense practices.

The monetary and resource costs add up quickly, particularly for very small municipalities, such as Gibson, Denmark, and Wrightstown – of which Senator Jacque and I represent. It is difficult for these small municipalities to take on the costs of special elections with several other budget priorities.

Other than the ten listed items in the bill that are eligible for reimbursement, this bill also adds a layer of oversight to protect taxpayers. The Elections Commission must determine what costs are in line with those of regularly scheduled elections in order to be eligible for reimbursement.

Regarding the fiscal analysis of the bill, the Elections Commission was not able to pinpoint a hard number for what this bill would cost the state over the course of a biennium. Attached to my testimony is a memo from LFB that estimates such a cost based on a dollar value per vote. Depending on the cost per vote and special elections per biennium, the cost can range between \$0-\$500,000.

To date, we have received bipartisan support from county and municipal clerks and other legislators.

I want to thank the committee for your time and consideration. I am happy to answer any questions members of the committee may have.



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To: Senate Committee on Elections, Election Process Reform and Ethics  
From: Curt Witynski, J.D., Deputy Director, League of Wisconsin Municipalities  
Date: March 11, 2021  
Re: **SB 21, Aids to municipalities and counties for certain special election costs**

The League of Wisconsin Municipalities supports SB 21, creating a program providing state reimbursement to local governments required to conduct special elections to fill vacancies in certain state offices. This bill is the same as 2019 SB 71, which the Senate passed unanimously last session.

Municipalities and counties currently fund one hundred percent of special election costs for state or national offices when vacancies occur. The unanticipated expenses of a special election for filling a vacancy in a state or federal office places strain on municipal and county budgets. Local governments must account for these expenses outside their normal budgeting process.

Since 2010, there have been 19 special elections for the Assembly and the Senate - not including recalls. For 16 of those elections, primaries were also required.

SB 21, which has bipartisan support, requires state reimbursement of the expenses that such elections impose upon local governments. SB 21 applies to special elections called by the Governor to fill a vacancy for the offices of State Senate and Assembly, statewide constitutional officers, United States Senate and House of Representatives, district attorneys, justice of the supreme court, court of appeals judge, and circuit court judge. If the special election or special primary is consolidated with a regularly scheduled statewide election, the state would only reimburse the costs directly associated with the vacancy.

Under SB 21, a cost is eligible for reimbursement only if the Wisconsin Elections Commission determines that the cost is reasonable, and the rate paid by the local government for the cost does not exceed the rate customarily paid for similar costs at a primary or election that is not a special primary or election. Among the costs covered by the bill are rental payments for polling places, election day wages paid to election officials working at the polls, costs for the publication of required election notices, printing and postage costs for absentee ballots and envelopes, data entry costs for a statewide voter registration system, and other significant election costs identified by municipal clerks in previous state surveys.

We urge the committee to recommend passage of SB 21. Thanks for considering our comments.



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## MEMORANDUM

**TO:** Honorable Members of the Senate Committee on Elections, Election Process Reform and Ethics

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** March 11, 2021

**SUBJECT:** Support for Senate Bill 21

The Wisconsin Counties Association (WCA) supports Senate Bill (SB) 21 which provides much-needed financial support to counties and municipalities for certain special election costs. Elections require weeks of intense work by both county and municipal clerks including hiring and training poll workers, administering absentee ballots, registering voters, securing polling locations, holding a public test of voting equipment, publishing election notices, and much more.

Special elections are scheduled outside of the usual election dates that occur throughout the year. Like the name of these elections, they incur special costs as well. In the 2012 special recall election primary, the statewide cost was \$6.3 million and in the 2012 special recall election, the statewide cost was \$7.1 million. Local election costs during these two special elections were around \$1.7 and \$1.9 million respectively.

SB 21 would provide the financial support from the state for clerks at the local level to administer and carry out these special elections that come with a hefty price tag. SB 21 was originally introduced in the 2019 legislative session as 2019 SB 71 and had bipartisan support passing out of committee and the full senate unanimously. Unfortunately, the legislation was held up in the Assembly and failed to pass before the end of session.

WCA respectfully requests your support of the county clerks and SB 21. This bill will help clerks administer Wisconsin's elections with the security and integrity in which they have always been run.

Thank you for your consideration and I am available should questions arise.