
Wisconsin Elections Commission

Meeting of the Commission
Wednesday, March 8, 2017
11:00 A.M.

Agenda
Open Session

Teleconference Meeting

Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin

- A. Call to Order**
- B. Administrator's Report of Appropriate Meeting Notice**
- C. Personal Appearances Regarding Agenda Items Only (Time reserved for personal appearances may be limited at the discretion of the Chair)**
- D. Elections Commission 2017-2019 Biennial Budget Request 3**
- E. Administrator's Report**
- F. Closed Session**
 - 1. Litigation Update**

19.85 (1) (g) The Commission may confer with legal counsel concerning litigation strategy.

WISCONSIN ELECTIONS COMMISSION

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

DATE: For the March 8, 2017 Commission Meeting

TO: Members, Elections Commission

FROM: Michael Haas
Interim Administrator

SUBJECT: Wisconsin Elections Commission's 2017-19 Biennial Budget Request

This memorandum summarizes developments regarding the Wisconsin Election Commission's (WEC) budget request for the 2017-19 biennium which runs from July 1, 2017 to June 30, 2019. As Commissioners are aware, Governor Walker has issued his proposed budget for consideration by the Joint Committee on Finance and the Legislature. Following is a chronology of significant events related to the agency's budget request:

1. August 30, 2016: Elections Commission approved agency budget request including four Decision Items. The Decision Items were to replace expiring federal funds with General Purpose Revenue (GPR) funds sufficient to continue current operations; request position authority for 22 FTE supported by GPR funds; request funding for Commission meeting costs including Commissioners' per diems; to authorize an additional .25 FTE position for the Webmaster/Public Information Officer so the position would be funded as a full-time position.
2. January 24, 2017: Commission Chair Mark Thomsen and Chief Administrative Officer Sharrie Hauge met with representatives of the Governor's Office to discuss the agency budget request and to answer questions. A copy of a memorandum provided to the Governor's Office is attached as E, Exhibit A.
3. February 9, 2017: Governor Walker issued his proposed 2017-2019 Biennial Budget. A copy of the Department of Administration's summary of the Governor's proposed budget as it relates to the WEC, including comparisons to the agency request, is attached as E, Exhibit B.
4. February 28, 2017: WEC staff issued a communication to local election officials summarizing the Governor's proposed budget and its anticipated effects on election administration and services provided by the WEC. A copy of the Clerk Communication is attached as E, Exhibit C.

The WEC's budget request, the Governor's proposed budget, and anticipated effects on agency operations are more thoroughly outlined in the attached exhibits. Following are the motions passed by the Commission at its August 30, 2016 meeting related to the budget request:

MOTION: Approve the overall approach of submitting a budget request for 2017-19 which continues current agency operations and the current level of total spending, and replaces expired federal funds with GPR funds in FY-19.

MOTION: Direct staff to include the creation of 22 Permanent GPR FTE in its 2017-19 biennial budget request to replace the federally funded 22 Permanent FTE when the agency's federal funds are depleted.

MOTION: Direct staff to include an additional \$8,500 in its base budget request annually to cover costs for Commission meeting expenses including per diem payments.

MOTION: Direct staff to request authorization for a .25 FTE funded position with GPR in the amount of \$20,600 in FY18 and \$20,600 in FY19.

In the agency's budget request, staff also included a request for a statutory language change to convert the agency's gifts and grants annual appropriation to a continual appropriation.

The most significant change reflected in the Governor's proposed budget is that it authorizes 16 permanent GPR FTE rather than the requested 22 positions, especially given the reduction of four agency positions in the current biennium. The Governor's proposed budget also recommends reducing Commissioner meeting per diem allocations from \$454.11 per day to \$50 per meeting, which would be consistent with the statutory per diems of other state boards and commissions. The current per diem rate is a continuation of the statutory per diem for members of the Government Accountability Board who were required to be retired judges and who received a daily per diem equal to the amount paid to a reserve judge serving in a circuit court.

Finally, the Governor's proposed budget did not approve the WEC's request to authorize an additional .25 FTE funded position for the agency's Webmaster/Public Information Officer position, and did not include the requested statutory language change related to the gifts and grants appropriation.

In the opinion of WEC staff, the elimination of the additional six staff positions will have significant impacts on critical services of the agency, as described in the attached communications. At the same time, staff certainly appreciates the increased level of GPR funding for the agency included in Governor Walker's proposed budget which will replace the expiring federal funds. It establishes long-term resources needed to administer clean and fair elections and complete the increasing tasks assigned to the WEC under state and federal laws. The GPR funding included in the Governor's proposed budget will establish a more permanent and stable foundation for the agency's staffing and program responsibilities. It fully replaces federal funds necessary for the agency's IT contractors, software assurance licenses for WisVote,

and the costs of the four-year voter maintenance and polling place accessibility audit programs as well as other agency operations.

The Legislative Fiscal Bureau is currently analyzing the Governor's proposed budget and preparing budget papers for the Legislature, and the Joint Committee on Finance is expected to begin budget hearings in the near future. WEC staff requests any direction the Commission wishes to provide regarding the remainder of the budget process.

WISCONSIN ELECTIONS COMMISSION EXHIBIT A

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ADMINISTRATOR MICHAEL HAAS

Memorandum

To: The Honorable Scott Walker
Governor

Katie Ignatowski
Chief Legal Counsel

From: Mark Thomsen, Chair
Wisconsin Elections Commission

Michael Haas, Administrator
Wisconsin Elections Commission

Date: January 24, 2017

Re: Elections Commission 2017 – 2019 Budget Issues

Background Regarding State and Local Election Administration in Wisconsin

- Federal funds have constituted the majority of WEC funding since 2004.
- Federal and state legislative directives and Wisconsin's uniquely decentralized election administration system require an adequate level of funding for election administration.

The State's election agency has been operating largely on federal funds since 2004 after the passage of the Help America Vote Act of 2002 (HAVA). The State received approximately **\$56,878,329** million in federal funds (which includes HAVA funds and accessibility funds), and has benefitted from other federal grants obtained through competitive processes which have built permanent election infrastructure and tools.

The primary requirements of HAVA were to assist municipalities in replacing outdated voting equipment, build and maintain an electronic voter registration system, improve the administration of elections through training of local election officials and voter education, and improve the accessibility of polling places and the voting process for individuals with disabilities. The maintenance and upgrading of the voter registration system (WisVote) is an enormous task and last year the agency relaunched the system after two years of development, on time and under budget (**\$2,162,476**).

Numerous other federal and state legislative acts, court orders, and political events have increased the duties and responsibilities of the elections agency over the past 10 years. These include the federal MOVE Act which requires that military and overseas voters are afforded at least 45 days to receive and return their ballots before federal elections; state requirements to complete voting equipment audits and to conduct a variety of matching of voter data with other sources to maintain accurate voter lists and

prevent and detect voter fraud; and more recently, the development of the online voter registration system, the ERIC initiative, and the implementation of electronic poll books.

Each of the last four legislative sessions have resulted in numerous and significant statutory changes which must be implemented by the elections staff and converted into effective training for local election officials. Staff also spends significant time working with the Legislature as legislation is developed to answer questions, identify administrative issues, and make recommendations.

Election administration has also become much more dependent upon IT systems and processes over the last decade, including the recent concerns regarding the security of election systems and equipment. We work closely with DOA and the federal government to ensure that our systems are protected. Our staff must also maintain expertise regarding voting equipment technology and conduct testing campaigns to determine whether voting equipment meets statutory standards to be sold to municipalities in Wisconsin.

While the agency has well-established programs and practices for regular responsibilities such as reviewing nomination papers, certifying election results, and training local election officials, its normal priorities are often disrupted and other unexpected tasks are required by factors outside its control, such as legislative activity, litigation, and political events. The staff must always be prepared with sufficient expertise and must be flexible enough to adapt to changing priorities and policies. The LAB audit identified tasks which the G.A.B. had not completed, and while those were relatively minor compared to the accomplishments of the elections staff, there was much criticism about not completing certain tasks in a timely manner. For example, there is a significant backlog of administrative rules that we have not been able to promulgate because of the time and attention the process requires from legal and program staff. Tasks identified by the LAB and other ongoing responsibilities cannot be completed consistently and accurately without a full complement of staff.

Many of these challenges are compounded by Wisconsin's structure of election administration, which is the most decentralized system in the country. Most states conduct elections at the county level. While county clerks have important roles in Wisconsin elections, the state's 1854 municipal clerks directly conduct elections, and the WEC is responsible for training both county and municipal clerks, as well as school district clerks, and developing resources for clerks to train their election inspectors who work at the polls. Two statistics are important to understanding the challenge posed by this decentralized system. First, two-thirds of municipal clerks work part-time, and many have other full time jobs and are limited by their governing bodies in the number of hours they may work on all of their clerk duties. Second, about 25% of municipal clerks turn over every year. So even if there are not significant legislative changes, we must educate a population of 400-500 new clerks every year.

The increased complexity of elections administration, greater emphasis on technology, and greater scrutiny of the conduct of elections has led to more clerks deciding to leave office. In addition, seemingly simple legislative changes, such as requiring real time tracking of absentee ballots, result in greater workloads and pressure for local clerks. WEC staff must diplomatically convince clerks to complete all of the necessary tasks before, during, and after elections, as we do not have straightforward and meaningful control over the actions of clerks, or penalties or incentives to compel compliance.

Agency Budget Request – Staffing and Funding

- Position authority for almost all WEC program positions expires June 30, 2017.
- Federal funds to operate the WEC will be depleted by FY 18.

During the previous two budget cycles, the G.A.B. proposed transitioning some of the federally funded positions to GPR positions to avoid requiring a full scale replacement of all positions. In the current budget, the federally funded positions were already reduced from 26 to 22. The WEC has 31.75 total positions. The agency has complied with the goal of the budget instructions by submitting a budget request which reduces the total level of spending, but the agency cannot come close to fulfilling its statutory responsibilities and expectations of the Legislature, candidates, clerks and voters without replacement of the federal dollars in the second year of the biennium and going forward.

Because of its size and budget, and the fact that most of its positions are not permanent, the elections agency has suffered from a chronic loss of staff to other agencies which can offer permanent positions and greater pay. We have lost excellent staff and expertise when the position authority was scheduled to expire in 2015 and was only extended during the budget process, and the agency is in the same situation now, with staff looking for other employment because the position authority for the federally-funded positions expires on June 30, 2017, even though we will have federal funds through FY18. The agency is currently attempting to fill seven vacancies and applicants will be less likely to accept offers without knowing whether the positions will continue to exist beyond June of 2017.

It is imperative that staff receives assurances early on in the budget process regarding the extension of its position authority, or we will risk losing additional staff before the budget is finalized. Based upon past experience, even with full replacement of the federal funds, we know that the agency will struggle to complete all of its statutory duties. There will always be vacancies in staff positions and the loss of a single key staff member can cause severe disruption in agency operations given the small size of the agency. It takes a full four-year election cycle for staff to gain sufficient expertise and be fully trained in the complete variety of elections and election processes.

In addition to federal funds and GPR funds, the agency receives revenue from the sale of voter registration data, as required by the Statutes and administrative code. In FY 16, that revenue totaled **\$235,100**. The agency budget request estimates revenue of **\$450,000** in the next biennium, although that revenue stream is entirely dependent upon the desire of political campaigns and other parties to purchase voter data. The agency has received criticism from some parties regarding the price structure for voter data, as it is already one of the most expensive in the country.

Due to the nature of its mission and work, there are no clear options for other revenue streams for the agency. The WEC serves local clerks, candidates, voters, and the public, and does not conduct activity that lends itself to charging other fees from its constituents and customers. The agency purchases software licenses to permit its staff and local election officials to operate in the WisVote system, and anticipates a cost of approximately **\$300,000** in FY 19 to renew the software assurance for those licenses. Theoretically, counties and municipalities could be required to contribute to the cost of that technology, but that would be a very unpopular approach as their work in the system is mandated by federal and state law, and the effort necessary to collect any license fees would likely outweigh the benefit of any additional revenue.

In short, the State is at a point where it must decide how robust its election agency will be, and whether it can continue to perform as policymakers and the public expect. Elections administration has been a success story for Wisconsin, and maintaining the current level of service and excellence requires the full replacement of federal funds which are projected to be depleted by the end of FY 18.

ELECTIONS COMMISSION

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY17 Adjusted Base	FY18 Recommended	% Change Over FY17	FY19 Recommended	% Change Over FY18
GPR	2,046,500	1,916,400	-6.4	4,528,600	136.3
PR-F	195,700	157,700	-19.4	0	-100.0
SEG-F	2,819,400	2,370,700	-15.9	0	-100.0
PR-O	7,700	1,700	-77.9	1,700	0.0
SEG-O	100	100	0.0	100	0.0
TOTAL	5,069,400	4,446,600	-12.3	4,530,400	1.9

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY17 Adjusted Base	FY18 Recommended	FTE Change Over FY17	FY19 Recommended	FTE Change Over FY18
GPR	9.75	9.75	0.00	25.75	16.00
SEG-F	22.00	16.00	-6.00	0.00	-16.00
TOTAL	31.75	25.75	-6.00	25.75	0.00

AGENCY DESCRIPTION

The commission administers and enforces Wisconsin law pertaining to elections (Chapters 5 to 10 and 12 of Wisconsin Statutes). The commission is comprised of six members, who serve for five-year terms. One member is appointed by the Senate majority leader; one is appointed by the Senate minority leader; one is appointed by the speaker of the Assembly; one is appointed by the Assembly minority leader; and two are members who formerly served as county or municipal clerks and who are nominated by the Governor with the advice and consent of a majority of the members of the Senate. The transition plan from the Government Accountability Board to the commission put forth by the Department of Administration established a rotational term schedule of the commissioners. The commission elects a chair and vice-chair from its members by a majority vote.

The administrator serves as the agency head and the chief election officer of the state. The commission staff is required to be nonpartisan.

Commission activities fit into four general functions: general administration; education, training and assistance to local election officials, candidates and officeholders; voter education and outreach; and complaint resolution. Within these functional areas, the commission implements legislative changes and initiatives; develops policy; issues formal opinions and guidance; promulgates administrative rules; prescribes procedures and forms; carries out investigations; responds to inquiries from local election officials, candidates and the public; and completes other related activities.

MISSION

The mission of the commission is to enhance representative democracy by ensuring the integrity of Wisconsin's electoral process through the administration of Wisconsin's elections laws and the dissemination of information, guidance and services to local election officials, candidates, policymakers, voters and the public, utilizing both staff expertise and technology solutions.

PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES

Note: Goals, objectives and activities have been modified due to the split of the Government Accountability Board into the Elections Commission and Ethics Commission.

Program 1: Administration of Elections

Goal: Ensure open, fair and transparent elections, by cultivating public confidence in the integrity of the electoral process.

Objective/Activity: Administer state-level election responsibilities and provide educational, training and customer service resources to local elections officials, candidates, voters and the general public.

PERFORMANCE MEASURES

2015 AND 2016 GOALS AND ACTUALS

Prog. No.	Performance Measure ¹	Goal 2015	Actual 2015	Goal 2016	Actual 2016
1.	Monitor the number of contacts the public makes to commission.	750,000	974,729	750,000	1,227,783
1.	Monitor public satisfaction with the commission through the commission's complaint system.	550	139	250	215
1.	Maintain data and records on the number of educational outreach activities, training and technical assistance provided to local elections partners and the general public.	90	116	75	127

Note: Based on fiscal year.

¹The performance measures were previously associated with the Government Accountability Board.

2017, 2018 AND 2019 GOALS

Prog. No.	Performance Measure	Goal 2017 ¹	Goal 2018	Goal 2019
1.	Monitor the number of contacts the public makes to the commission.	1,300,000	1,300,000	1,300,000
1.	Monitor public satisfaction with the commission through the commission's complaint system.	225	225	225
1.	Maintain data and records on the number of educational outreach activities, training and technical assistance provided to local elections partners and the general public.	130	130	130

Note: Based on fiscal year.

¹Goals for 2017 (inherited from the Government Accountability Board) have been modified.

ELECTIONS COMMISSION

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Convert Agency Operating Costs from Federal to GPR Funds
2. Reduction in Commissioner per Diems
3. Decrease in Materials and Services Expenditure Authority
4. Standard Budget Adjustments

ITEMS NOT APPROVED

5. Increase Public Information Officer/Webmaster Position to 1.0 FTE
6. Statutory Language Change

Table 1
Department Budget Summary by Funding Source (in thousands of dollars)

	ACTUAL FY16	ADJUSTED BASE FY17	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY18	FY19	FY18	FY19
GENERAL PURPOSE REVENUE	\$0.0	\$2,046.5	\$1,971.2	\$4,431.3	\$1,916.4	\$4,528.6
State Operations	0.0	2,046.5	1,971.2	4,431.3	1,916.4	4,528.6
FEDERAL REVENUE (1)	\$0.0	\$3,015.1	\$2,893.3	\$0.0	\$2,528.4	\$0.0
State Operations	0.0	3,015.1	2,893.3	0.0	2,528.4	0.0
PROGRAM REVENUE (2)	\$0.0	\$7.7	\$1.7	\$1.7	\$1.7	\$1.7
State Operations	0.0	7.7	1.7	1.7	1.7	1.7
SEGREGATED REVENUE (3)	\$0.0	\$0.1	\$0.1	\$0.1	\$0.1	\$0.1
State Operations	0.0	0.1	0.1	0.1	0.1	0.1
TOTALS - ANNUAL	\$0.0	\$5,069.4	\$4,866.3	\$4,433.1	\$4,446.6	\$4,530.4
State Operations	0.0	5,069.4	4,866.3	4,433.1	4,446.6	4,530.4

(1) Includes Program Revenue-Federal and Segregated Revenue-Federal

(2) Includes Program Revenue-Service and Program Revenue-Other

(3) Includes Segregated Revenue-Service, Segregated Revenue-Other and Segregated Revenue-Local

Table 2
Department Position Summary by Funding Source (in FTE positions) (4)

	ADJUSTED BASE FY17	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY18	FY19	FY18	FY19
GENERAL PURPOSE REVENUE	9.75	10.00	32.00	9.75	25.75
FEDERAL REVENUE (1)	22.00	22.00	0.00	16.00	0.00
TOTALS - ANNUAL	31.75	32.00	32.00	25.75	25.75

(1) Includes Program Revenue-Federal and Segregated Revenue-Federal

(2) Includes Program Revenue-Service and Program Revenue-Other

(3) Includes Segregated Revenue-Service, Segregated Revenue-Other and Segregated Revenue-Local

(4) All positions are State Operations unless otherwise specified

Table 3
Department Budget Summary by Program (in thousands of dollars)

	ACTUAL FY16	ADJUSTED BASE FY17	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY18	FY19	FY18	FY19
1. Administration of elections	\$0.0	\$5,069.4	\$4,866.3	\$4,433.1	\$4,446.6	\$4,530.4
TOTALS	\$0.0	\$5,069.4	\$4,866.3	\$4,433.1	\$4,446.6	\$4,530.4

Table 4
Department Position Summary by Program (in FTE positions) (4)

	ADJUSTED BASE FY17	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY18	FY19	FY18	FY19
1. Administration of elections	31.75	32.00	32.00	25.75	25.75
TOTALS	31.75	32.00	32.00	25.75	25.75

(4) All positions are State Operations unless otherwise specified

1. Convert Agency Operating Costs from Federal to GPR Funds

Source of Funds	Agency Request				Governor's Recommendations			
	FY18		FY19		FY18		FY19	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	2,442,100	22.00	0	0.00	2,594,200	16.00
SEG-F	1,337,900	22.00	0	0.00	973,000	16.00	0	0.00
TOTAL	1,337,900	22.00	2,442,100	22.00	973,000	16.00	2,594,200	16.00

The Governor recommends converting the commission's operating costs currently funded by federal Help America Vote Act funding, which is anticipated to be fully depleted during FY19, to GPR in FY19. The Governor also recommends directing the commission to spend the federal funds that are carried into FY19 first and lapse to the general fund remaining GPR at the end of the biennium, which is currently estimated at \$912,000.

2. Reduction in Commissioner per Diems

Source of Funds	Agency Request				Governor's Recommendations			
	FY18		FY19		FY18		FY19	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	8,600	0.00	8,600	0.00	-25,700	0.00	-25,700	0.00
TOTAL	8,600	0.00	8,600	0.00	-25,700	0.00	-25,700	0.00

The Governor recommends reducing commissioner meeting per diem allocations from \$454.11 per day to \$50 per meeting to align with the statutory per diems of other state boards and commissions and because elections commissioners are no longer required to be retired judges. Under the Government Accountability Board, board members were required to be retired judges and received a daily per diem equal to the amount paid to a reserve judge sitting in a circuit court.

3. Decrease in Materials and Services Expenditure Authority

Source of Funds	Agency Request				Governor's Recommendations			
	FY18		FY19		FY18		FY19	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-O	-6,000	0.00	-6,000	0.00	-6,000	0.00	-6,000	0.00
TOTAL	-6,000	0.00	-6,000	0.00	-6,000	0.00	-6,000	0.00

The Governor recommends decreasing spending authority in the commission's materials and services program revenue appropriation to reflect declining revenues.

4. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendations			
	FY18		FY19		FY18		FY19	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-104,400	0.00	-86,400	0.00	-104,400	0.00	-86,400	0.00
PR-F	-38,000	0.00	-195,700	0.00	-38,000	0.00	-195,700	0.00
SEG-F	-1,421,700	-22.00	-2,819,400	-22.00	-1,421,700	-22.00	-2,819,400	-22.00
TOTAL	-1,564,100	-22.00	-3,101,500	-22.00	-1,564,100	-22.00	-3,101,500	-22.00

The Governor recommends adjusting the commission's base budget for: (a) removal of noncontinuing elements from the base (-\$1,376,100 in FY18 and -\$2,959,300 in FY19 and -22.0 FTE positions in each year); (b) full funding of continuing position salaries and fringe benefits (-\$177,100 in each year); (c) reclassifications and semiautomatic pay progressions (\$34,500 in each year); and (d) full funding of lease and directed moves costs (-\$45,400 in FY18 and \$400 in FY19).

ITEMS NOT APPROVED

The following requests are not included in the Governor's budget recommendations for the Elections Commission.

Decision Item	Source of Funds	FY18		FY19	
		Dollars	Positions	Dollars	Positions
5. Increase Public Information Officer/Webmaster Position to 1.0 FTE	GPR	20,500	0.25	20,500	0.25
6. Statutory Language Change	PR-O	0	0.00	0	0.00
TOTAL OF ITEMS NOT APPROVED	GPR	20,500	0.25	20,500	0.25
	PR-O	0	0.00	0	0.00

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

DATE: February 28, 2017

TO: Wisconsin County Clerks
Milwaukee County Election Commission
Wisconsin Municipal Clerks
Milwaukee City Election Commission

FROM: Michael Haas
Interim Administrator

SUBJECT: WEC 2017-19 Budget Proposal

As you may be aware, on February 8, 2017, Governor Walker issued his proposed state budget for fiscal years 2018 and 2019, which runs from July 1, 2017 to June 30, 2019. This memorandum describes the proposed budget for the Wisconsin Elections Commission (WEC), which will be discussed further at a special meeting of the WEC on March 8, 2017.

Background – Federal Funds and Proposed Budget

Federal funds from the Help America Vote Act of 2002 (HAVA) currently fund 22.0 of the WEC's 31.75 positions. However, the HAVA funds will be depleted by the beginning of the second year of the biennium, i.e., shortly after July 1, 2018. The HAVA funds currently support the WEC's IT infrastructure and applications, IT contractors who develop and maintain those systems, and much of the agency's program staff who perform election duties at the State level and assist local election officials in their duties.

In its budget request, the WEC sought to maintain funding for the 22 HAVA-funded positions by replacing the HAVA funds with state tax funds (General Purpose Revenue or GPR). The Governor proposed using GPR to fund 16 of the 22 current HAVA-funded positions. The Governor's proposed budget goes a significant way towards providing the long-term resources needed to administer clean and fair elections and complete the increasing tasks assigned to the WEC under state and federal laws. The GPR funding included in the Governor's proposed budget will establish a more permanent and stable foundation for the agency's staffing and program responsibilities. It fully replaces federal funds necessary for the agency's IT contractors, software assurance licenses for WisVote, and the costs of the four-year voter maintenance and polling place accessibility audit programs.

However, in authorizing the transfer of 16 of the federally funded positions to GPR funding, the proposed budget would reduce the agency's staff by six positions. Combined with the loss of four positions in the current biennium, this would represent a reduction of almost 30 percent in

elections agency staff since 2015, a reduction that would make it difficult for WEC to complete all of its responsibilities in a timely and effective manner.

Other states are also dealing with the end of their HAVA funding, but few states have relied so heavily on federal funds for its staff positions. This is largely due to Wisconsin's unique system which relies on both 72 county clerks and over 1850 municipal clerks to conduct elections, as opposed to most states which conduct elections only at the county level.

Staff Responsibilities and Initiatives

As you know, WEC staff has numerous responsibilities related to the administration of elections and WisVote, the statewide voter registration system. WEC is specifically required to under federal and state laws to complete certain tasks, including developing and maintaining the statewide voter registration system, training and assisting local election officials, providing voter education and outreach, testing and approving electronic voting systems, ensuring accessibility of polling places, and certifying both candidates for ballot access as well as election results. WEC is also responsible for collecting and reporting voter and election data as well as providing periodic reports of its efforts to the Legislature and federal agencies.

In recent years Congress and the Legislature have added more, not less, to the responsibilities of the agency. These include Photo ID implementation, stricter requirements for serving military and overseas voters, administrative rule promulgation, online voter registration, complaint resolution, participation in the Electronic Registration Information Center (ERIC), and the development of electronic poll books, to cite only a sampling of tasks. These responsibilities are constant and complex, and require a high degree of knowledge, judgment and communication skills.

Every statutory task and initiative of WEC ultimately serves and assists Wisconsin voters, local election officials, candidates, and elected officials. A reduction in six staff positions, on the heels of the recent reduction in four positions, would have immediate and cumulative impacts on WEC's operations and the ability of the newly-created agency to succeed in its mission. It may require the agency to make decisions, in consultation with the Legislature, about which statutory obligations cannot be completed or must be reduced or delayed. I would expect the elimination of the additional six staff positions to make it impossible to maintain our traditional and expected level of services in general.

The elimination of the additional six staff positions will have significant impacts on critical services of the agency, including but not limited to:

- Delays in and reduced ability to complete tasks such as reviewing nomination papers, assist candidates and challengers, certify candidates, and review and approve ballot formats. .
- Less capacity to implement legislative changes and initiatives in a timely and consistent manner statewide, resulting in less effective training and ongoing support for local election officials and increased risk of errors at the local level.

- Decreased ability to maintain and develop WisVote, the voter registration system, including changes of municipal boundaries and completing various list maintenance processes (to detect ineligible felons, deceased voters, double voters, and other ineligible voters), and to provide training and ongoing assistance to local election officials, creating a greater likelihood of outdated and inaccurate poll lists municipalities which are not prepared to conduct smooth elections.
- Less accuracy and efficiency in completing numerous agency tasks which require several team members, such as testing new functions in WisVote, reviewing and certifying election results and other data provided by local election officials, testing and auditing voting equipment, and compiling local election data into required federal and state reports also require a team approach involving multiple staff members.

Opportunities for Input

The input of local election officials is always important for both WEC and the Legislature to consider. The next step in the budget process is for the Joint Committee on Finance, with the input of individual legislators, to review the Governor's proposed budget and to consider any changes to the budget. Under state law the biennial budget is to be enacted by June 30, and in the near future, the Committee will begin to hold hearings and votes related to each state agency's budget.

The Elections Commission has scheduled a special meeting at 11:00 a.m. on March 8, 2016 at the Commission's offices to discuss the Governor's proposed budget and to provide staff with direction regarding budget deliberations. This will be scheduled as a teleconference, although we expect some Commission members to attend in person, and there will be an opportunity for public comments. We invite local election officials to provide their comments either in writing or in person. Written comments may be provided in advance to elections@wi.gov. In order to distribute written comments to Commission members who will appear by telephone before the meeting, it would be helpful to receive them by March 3, 2017.

As local election officials, you may also contact your own state legislators regarding your views related to the Elections Commission budget and the impact of any staff reduction on your operations and ability to properly conduct elections, as well as any other legislative issue.

Thank you for your attention to this matter, and for any input you wish to provide. Please feel free to contact me at 608-266-0136 or Michael.haas@wi.gov if you have any questions regarding the agency's proposed budget or the budget process.