

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

September 29, 2014

The Honorable Alberta Darling, Senate Co-Chair
Joint Committee on Finance
Room 317 East, State Capitol
PO Box 7882
Madison, WI 53707-7882

The Honorable John Nygren, Assembly Co-Chair
Joint Committee on Finance
Room 309 East, State Capitol
PO Box 8953
Madison, WI 53708-8953

Dear Senator Darling and Representative Nygren:

The Government Accountability Board (G.A.B.) requests the Joint Committee on Finance (JCF) approve a request to transfer \$460,800 in GPR funds from the Committee's supplemental appropriation [§ 20.865(4)(a)] to the agency's GPR general operations appropriation [§ 20.511 (1)(a)] in order to implement a Voter Photo ID Public Information Campaign before the November 4 General Election. The Legislature set aside this funding as part of the 2013-15 biennial budget. 2013 Wisconsin Act 20. As Director and General Counsel of the Government Accountability Board, I will represent the agency at the quarterly meeting of the Joint Committee on Finance. If I am unable to attend Michael Haas, the Elections Division Administrator, will represent the agency.

Summary of Request

Pursuant to § 13.101(4), Wis. Stats., the Government Accountability Board requests the JCF transfer \$460,800 to the GPR general operations appropriation to enable the agency to restart the public education campaign. This involves rehiring the advertising firm Knupp, Watson & Wallman, Inc. (KW2) to update two of the ads previously developed for the Voter Photo ID Public Information Campaign, and to buy TV and radio spots and place online advertising in the remaining three weeks before the election. These efforts do not include outdoor media, print advertisements, print brochures and posters, or the texting program that were components of the previous voter information campaign because they could not be deployed this close to the election nor are funds available for those purposes. A chart of proposed expenditures is set out below.

Media	Coverage	Cost Per Week	Cost for Campaign
TV	Statewide, including prime time (three weeks)	\$84,000	\$252,000
Radio	Statewide (three weeks)	\$43,000	\$129,000
Online	Online (6 million impressions)		\$79,200
Update Ads	New DMV state ID card process		\$3,000
		TOTAL	\$463,200

Background

On June 9, 2011, 2011 Assembly Bill 7 related to requiring photo identification in order to vote, and making other election administration changes, was published as 2011 Wisconsin Act 23. The voter identification law specifically required the G.A.B. to conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements in conjunction with the first regularly scheduled primary and general election at which the voter identification requirements initially apply. The photo ID requirement was in effect only for the February 2012 Spring Primary, and the November 4 General Election will be the first general election in which it is in place. 2011 Wisconsin Act 23, Section 144 (1). Act 23 did not provide additional funding or positions to the Government Accountability Board to carry out its responsibilities under Act 23.

Under the 2011-13 biennial budget act (2011 Wisconsin Act 27), the Legislature provided G.A.B. \$1,800,000 in 2011-12, and 5.0 two-year project positions to the Board's GPR biennial general program operations appropriation to implement the provisions of 2011 Act 23. The funding and positions were intended to be utilized for public outreach and information, modification of the Statewide Voter Registration System, training of election officials, support of the Board's Help Desk, and the revision of forms and materials.

In March of 2012, a circuit court granted a permanent injunction against the enforcement of the photo identification requirements of Act 23, requiring the Board to stop the public information and outreach campaign. A federal court found the law unconstitutional in April, 2014 and further enjoined its implementation.

Under the 2013-15 biennial budget act (2013 Wisconsin Act 20), the Legislature approved the Governor's recommendation to extend the 5.0 project positions for two-years and to put \$230,400 GPR annually in the Joint Committee on Finance's GPR supplemental appropriation. According to documents prepared by the Legislative Fiscal Bureau, if the courts lift the permanent injunctions against the enforcement of the Act 23 photo identification provisions during 2013-15, the G.A.B. could file a § 13.10 request to seek release of this funding in order to fill the 5.0 project positions to assist in the implementation of Act 23. <http://legis.wisconsin.gov/lfb/publications/budget/2013-15%20Budget/Documents/Act%2020/gab.pdf>

On July 31, 2014 the Wisconsin Supreme Court upheld the provisions of 2011 Wisconsin Act 23 and lifted the state court injunction. On September 12, 2014, the United States Court of Appeals for the 7th Circuit lifted the federal district court injunction and opined that the State of Wisconsin was free to implement the voter ID law for the November 2014 election. The State through the G.A.B. and various cabinet agencies has begun that implementation.

Request Meets Statutory Criteria of § 13.101(4), Wis. Stats.

The agency request meets the criteria for supplementing its general operations funding set out in Wis. Stats. § 13.101 (3)(a). The implementation of the Voter Photo ID Campaign within a relatively short time frame creates an emergency because the agency lacks adequate fiscal resources to launch a voter information campaign about photo identification for voting without access to the funds designated by the Legislature and the Governor. While the initial purpose of the funding was to enable the agency to hire project staff, the extremely tight time frame before the election (five weeks and counting) dictates the funds be directed to a public information campaign.

2011 Wisconsin Act 23, Section 144 (1). Current G.A.B. staff has absorbed the additional responsibilities necessary to re-implement processes that were developed in 2011-2012, and the public information campaign originally intended to occur over a number of months must become a much more intensive effort over a limited number of weeks. If the Committee acts expeditiously the agency should be able to implement a viable public information media campaign.

Request

The Government Accountability Board requests the following action: The Joint Committee on Finance transfer \$460,800 from the Committee's supplemental appropriation [§ 20.865(4)(a)] to the agency's GPR general operations appropriation to enable the agency to fund the 2014 Voter Photo ID Public Information Campaign. The funds were previously set aside as part of the 2013-15 biennial budget. 2013 Wisconsin Act 20.

Thank you for your consideration of this request.

Sincerely,

Government Accountability Board

A handwritten signature in black ink that reads "Kevin J. Kennedy". The signature is written in a cursive, flowing style.

Kevin J. Kennedy
Director and General Counsel

cc: Legislative Fiscal Bureau (2)
Department of Administration (45)
Government Accountability Board Members
Michael Haas, Elections Division Administrator