

# *RESOLUTION NO.: 14—2016-17*

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

*MAJORITY*

1 2015 Act 261 (2015 Senate Bill 295) was enacted March 16, 2016, and published  
2 March 17, 2016. 2015 Act 261 made changes to include electronic voter registration,  
3 verification of registrations, proof of residence for voting, electronic poll lists, election  
4 equipment approval, counting of absentee ballots, and other elections and campaign  
5 finance items. 2015 Act requires additional categories of information in the official  
6 registration list (WisVote System), which largely relate to absentee voting activity.

7  
8 Under the Act, the official registration list must have separate columns indicating each of  
9 the following: (1) the date on which a voter applied to vote by in-person absentee ballot;  
10 (2) the date on which the clerk mailed an absentee ballot to a voter; (3) the date on which  
11 a voter returned the absentee ballot; (4) the polling location associated with each voter's  
12 address and ward or aldermanic district, if any; and (5) the mailing address for the  
13 municipal clerk associated with the polling location identified for a voter.

14  
15 The Act also requires clerks to input the required absentee voting information into the  
16 official registration list within a specified period of time. A clerk must enter or submit to  
17 the clerk's designee the information identified in (1), (2), and (3) above, as well as other  
18 required information about the voter, within **48 hours** after mailing the absentee ballot,  
19 receiving the in-person absentee ballot application, or receiving the returned absentee  
20 ballot. If the information is submitted by the clerk to a designee, the clerk's designee  
21 must enter the information within **24 hours** after receiving it from the clerk. If the deadline  
22 falls on a Saturday or Sunday, then the deadline is extended to the next business day.

23  
24 The Outagamie County Clerk is a provider of WisVote System services for 19  
25 municipalities within Outagamie County. WisVote Memorandum of Understanding  
26 (MOU) with the 19 municipalities was approved for the 2016-2017 election cycle by  
27 Resolution No. 108—2015-2016. The WisVote MOUs were signed by all 19  
28 municipalities. As part of the WisVote MOUs for services, the agreements state the  
29 following: "This Memorandum of Understanding will not require the County Clerk to  
30 track the absentee voting process through SVRS/WisVote, in the event such is required  
31 by the State of Wisconsin."

32  
33 With the enactment of 2015 Act 261, immediately prior to the April 5, 2016, election, the  
34 Wisconsin Government Accountability Board (GAB) urged providers of WisVote  
35 services to enable fulfillment of the absentee tracking service for the April 5, 2016,  
36 despite that MOUs might not require the service for those municipalities (reliers).

37  
38 The Outagamie County Clerk met with administration, reporting anticipated county clerk  
39 labor costs, difficulties with enablement of timely communication between  
40 provider/reliers, relier clerk issues with enablement of WisVote training/self-provision of  
41 absentee tracking in the compressed timeframe, issues relative to relier  
42 broadband/internet service, relier hardware/software challenges, and relier issues with

1 staffing. From the meeting, a decision was reached to comply with GAB’s request to  
2 enter in absentee data into WisVote for the April 5, 2016, election. However, the timing  
3 deadline of 24 hour data entry from receipt of relier absentee information was not met  
4 approximately 30% of the time in entering in the data by the Outagamie County Clerk’s  
5 staff for the 19 municipalities.  
6

7 Outagamie County municipal clerks, who provide their own WisVote services within  
8 their municipalities, were surveyed by the Outagamie County Clerk about the challenges  
9 with Act 261 absentee tracking with the fall partisan elections, most notably the  
10 November 8, 2016, General Election, when voter turnout will be closer to 100% of  
11 registered voters and absentee voters will be approximately five times what was  
12 experienced in the April 5, 2016 election. The survey respondents reported staffing  
13 challenges faced by provider clerks with other required deadlines.  
14

15 The Outagamie County Clerk reported estimated costs associated with providing  
16 WisVote absentee tracking services for the remaining 2016 elections for the 19 reliers.  
17 The estimate is approximately \$12,000 to enable sufficient labor to meet the 24 hour data  
18 entry requirement for a providing entity to enter absentee activity within WisVote. The  
19 estimate may not be sufficient and feasibility to provide deadline required service for the  
20 November 8, 2016, is being reported by the Outagamie County Clerk.  
21

22 Previous to the required tracking of absentee information in WisVote, clerks not utilizing  
23 WisVote, were required to keep a paper log of the absentee voter request, when the  
24 absentee ballot was mailed to the absentee voter, and when the ballot was received from  
25 the absentee voter by the municipal clerk. Additionally, clerks were required to make  
26 notations on the poll lists of voters who were mailed an absentee ballot. The required  
27 data entry of absentee ballot information into WisVote enables some efficiency with the  
28 data being entered prior to the printing of poll books and enables efficiency with  
29 reconciling voter participation. However, the deadlines required in the new legislation do  
30 not allow for batching information, are especially problematic for rural municipalities  
31 with no sufficient internet/broadband service, and requires additional labor for all  
32 municipal clerks to ensure compliance with the law.  
33

34 This resolution supports repealing 2015 Act 261 requirement that absentee voter/ballot  
35 tracking activity be entered into WisVote within a certain time frame. The WisVote  
36 absentee ballot tracking deadline, for both provider and relier clerks, is not feasible with  
37 current staffing and in some municipalities with infrastructure (no reliable  
38 broadband/internet service), will cost all election administration entities additional  
39 labor/funding, and requires an additional election deadline during a timeframe when other  
40 election activity is vitally more important for elections.  
41

42 NOW THEREFORE, the undersigned members of the Finance Committee and Legislative/Audit  
43 and Human Resources Committee recommend adoption of the following resolution.

44 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support the repealing  
45 of Wisconsin Statutes 6.33(5)(a) 2. language that reads, “no later than 48 hours after mailing an absentee

1 ballot or receiving an in-person absentee ballot application or an absentee ballot,” and “no later than 24  
2 hours after receiving the information from the clerk,” and

3 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy  
4 of this resolution to the Wisconsin Government Accountability Board, Wisconsin county clerks,  
5 Lobbyist Mark Wadium, Outagamie County state legislators, and municipal clerks within Outagamie  
6 County.

7 Dated this \_\_\_\_ day of June, 2016.

8 Respectfully submitted,

9  
10 FINANCE COMMITTEE &  
11 LEGISLATIVE/AUDIT & HUMAN RESOURCES  
12 COMMITTEE  
13

14  
15 \_\_\_\_\_  
16 Kevin Sturn

15 \_\_\_\_\_  
16 Kathy Groat

17  
18  
19 \_\_\_\_\_  
20 James Pleuss

19 \_\_\_\_\_  
20 Nadine Miller

21  
22  
23 \_\_\_\_\_  
24 Peter Stueck

23 \_\_\_\_\_  
24 Travis Thyssen

25  
26  
27 \_\_\_\_\_  
28 Cathy Spears

27 \_\_\_\_\_  
28 Matthew Strenn

29  
30  
31 \_\_\_\_\_  
32 Shane Griesbach

31 \_\_\_\_\_  
32 Justin Krueger

33  
34 Duly and officially adopted by the County Board on: \_\_\_\_\_

35  
36 Signed: \_\_\_\_\_  
37 Board Chairperson

36 \_\_\_\_\_  
37 County Clerk

38  
39 Approved: \_\_\_\_\_

38  
39 Vetoed: \_\_\_\_\_

40  
41  
42 Signed: \_\_\_\_\_  
43 County Executive

**OUTAGAMIE COUNTY FISCAL NOTE**

**INTRODUCTION:** This form must be attached to any resolution or ordinance which contains a spending or revenue proposal. The form should be completed by an individual within the department initiating the resolution or ordinance with assistance from the Financial Services Department. Contact the Finance Director (1674), Controller (1675) or Staff Accountant (1681) for assistance. Once completed, forward a copy of the form to the Financial Services Department for their review. Financial Services will forward a reviewed copy of the fiscal note to Legislative Services.

1. **Subject:** 2015 Act 261 – WisVote Absentee Tracking

2. **Description:** This section must be completed for all fiscal notes. Briefly and concisely describe the request. State assumptions used and discuss any current year and long-term fiscal impacts. (A separate attachment can be used)

2015 Act 261 (2015 Senate Bill 295), enacted March 16, 2016, and published March 17, 2016, made several election law changes including requiring additional categories of information in the official registration list (WisVote System), which largely relate to absentee voting activity.

Under the Act, the official registration list must have separate columns indicating each of the following: (1) the date on which a voter applied to vote by in-person absentee ballot; (2) the date on which the clerk mailed an absentee ballot to a voter; (3) the date on which a voter returned the absentee ballot; (4) the polling location associated with each voter's address and ward or aldermanic district, if any; and (5) the mailing address for the municipal clerk associated with the polling location identified for a voter. The Act also requires clerks to input the required absentee voting information into the official registration list within a specified period of time. A clerk must enter or submit to the clerk's designee the information identified in (1), (2), and (3) above, as well as other required information about the voter, within 48 hours after mailing the absentee ballot, receiving the in-person absentee ballot application, or receiving the returned absentee ballot. If the information is submitted by the clerk to a designee, the clerk's designee must enter the information within 24 hours after receiving it from the clerk. If the deadline falls on a Saturday or Sunday, then the deadline is extended to the next business day.

Because of the timeframes required for data entry, the WisVote absentee voting activity tracking change has most adversely impacted municipalities that rely on another entity (for Outagamie County, 19 municipalities rely on the County Clerk) to enter in the information within the State's database. The Outagamie County Clerk estimates that providing that service for August and November, 2016, will cost the 19 municipalities approximately \$11,400. The \$11,400 will be charged back to the 19 municipalities.

For Outagamie County WisVote self-providing municipalities and the 19 relier municipalities, the cost of data entry is approximately \$30,000 countywide for the August and November 2016 elections. Outagamie County's share of this is the estimated \$11,400 noted above.

**Current Year Budget Impact (Check one or more of the following boxes)**

Revenues                       Expenses (Cost)                       None


- 3. Is the specific cost or revenue included in the current year's budget?                      yes ( )    no ( X )    partially ( )
- 4. If the proposal requests additional spending, can the additional cost be absorbed within the current year's line item?                      yes ( )    no ( )    n/a ( X )
- 5. Is the proposal to accept additional revenues only?                      yes ( )    no ( X )
- 6. Does this request modify/adjust the current year budget?                      yes ( )    no ( X )  
If no, skip to question 8 below.
- 7. Detail current year budget changes. Please list cost center name, line item, account number and either the increase or decrease amount. (Please note that all budget adjustments must balance. For example, an increase in an expenditure account must be offset by a decrease in another expenditure account or the contingency fund or an increase in a revenue account or other funding sources such as fund balance applied.)

N/A - Funds will be budgeted with Resolution Draft FI.3-2016-17.

**Annual and Long-Term Impact**

- 8. Is the above Increase/Decrease a nonrecurring one-time expense or revenue?                      yes ( )    no ( X )    n/a ( ) For a 2 year period
- 9. What is the anticipated annual and/or long-term cost or revenue impact?                      Annual Cost                      See FI.3  
Annual Revenue                      \_\_\_\_\_

Fiscal Note Prepared by: Lori O'Bright, County Clerk

| For Financial Services purposes only  |   |
|---|---|
| Reviewed By:<br> | If expenditures are recorded in the financial system at a level of detail lower than the level 6 as shown above, indicate the specific account numbers and amounts below:<br>Detail Expenditures Account Number                      Amount<br>_____<br>_____ |
| Date:<br><u>6/11/16</u>   |   |
| Comments:   |   |