

Department of Planning and Budget

2013 Fiscal Impact Statement

1. Bill Number: HB1725

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Rust

3. Committee: Privileges and Elections

4. Title: Absentee voting; handling of absentee ballot applications by third parties.

5. Summary: Requires any person who offers to mail or deliver 25 or more absentee ballot applications to first register with the State Board of Elections, receive training, and include a specified notice and information to applicants. The bill includes requirements for the timely return of applications. Failure to comply with these requirements is a Class 4 misdemeanor; destruction of or failure to mail an application is a Class 1 misdemeanor. Also, any person who knowingly aids or abets, or attempts to aid or abet, a violation of the Uniform Military and Overseas Voters Act is guilty of a Class 4 felony.

6. Budget Amendment Necessary: Yes. Item 389

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2014	\$50,000	0	GF

8. Fiscal Implications: The State Board of Elections indicates that this legislation causes no fiscal impact to SBE and may relieve some of the burden on local registrars' offices to reject and follow up on deficient applications and to educate the public about absentee voting options, particularly in nursing homes and assisted living facilities. The State Board of Elections currently provides training upon request to groups interested in encouraging absentee applications such as military support groups.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail and \$12.00 a day for each

state responsible inmate. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2012), the estimated total state support for local jails averaged \$26.54 per inmate, per day in FY 2011.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 3 of the 2012 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: State Board of Elections, Localities, Department of Corrections, Compensation Board, Local and regional jails

10. Technical Amendment Necessary: n/a

11. Other Comments: none

Date: 1/15/13

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