

Department of Planning and Budget

2017 Fiscal Impact Statement

1. Bill Number: SB1467-ER

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Marsden

3. Committee: Passed Both Houses

4. Title: Central absentee voter precincts; expedited tallying of absentee ballots.

5. Summary: Allows the officers of election at a central absentee voter precinct to begin tallying those absentee ballots that are counted by hand at any time after 3:00 p.m. on the day of the election in accordance with the procedures prescribed by the Department of Elections, including procedures to preserve ballot secrecy. The bill prohibits ballot count tallies to be determined or transmitted outside of the central absentee voter precinct until after the closing of the polls. Currently, absentee ballots may be processed at the central absentee voter precinct prior to the closing of the polls, but shall not be counted until after the polls have closed. The bill also prohibits the use of cellular telephones or other communication devices in the central absentee voter precinct during tallying and until the polls are closed. Any person present in the central absentee voter precinct is required to sign a statement under oath that he will not transmit any counts prior to the closing of the polls. Any person who transmits any counts shall be guilty of a Class 1 misdemeanor.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final – see Item 8.

8. Fiscal Implications: Anyone convicted of a Class 1 misdemeanor could serve a sentence of up to 12 months in jail (and a fine up to \$2,500). There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposed legislation. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in the jail population will increase costs to the state. The Commonwealth presently pays 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 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

The proposed legislation is not expected to have a fiscal impact for the Virginia Department of Elections.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, local electoral boards, general registrars, and localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.