

Department of Planning and Budget 2017 Fiscal Impact Statement

1. **Bill Number:** SB1467-S1

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

2. **Patron:** Marsden

3. **Committee:** Privileges and Elections

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

5. **Summary:** Allows the officers of election at a central absentee voter precinct to begin counting those absentee ballots that are counted by hand at any time after 6:00 a.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 totals to be announced 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 substitute requires each officer of election to sign a statement under oath that he will not transmit any counts prior to the closing of the polls. Any officer of election who transmits any counts in violation of this section shall be guilty of willful neglect of his duty and is guilty of a Class 1 misdemeanor pursuant to § 24.2-1001. The substitute incorporates Senate Bill 1503 (Favola).

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary – 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.