

## Department of Planning and Budget

### 2023 Fiscal Impact Statement

**1. Bill Number:** SB1328

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** McClellan

**3. Committee:** Privileges and Elections

**4. Title:** Removal of officers; elected officers and officers appointed to elected office; recall election.

**5. Summary:** Provides for the removal of elected officers and officers appointed to elected offices, other than those whose removal is specifically provided for in the Constitution of Virginia, through a recall election. The bill provides that an officer is subject to a recall election only after both (i) an application for recall election petition with the required number of official sponsors has been filed with and found to be legally sufficient by the general registrar and (ii) a recall election petition with the required number of voter signatures has been filed with and found to be legally sufficient by the general registrar. The bill requires more than 50 percent of the votes cast in a recall election to be affirmative for recall and removal in order for the officer to be removed and the office to be vacated.

**6. Budget Amendment Necessary:** See item 8.

**7. Fiscal Impact Estimates:** Preliminary, see item 8.

**8. Fiscal Implications:** The proposed legislation may have a fiscal impact; however, it is not possible for the Department of Elections (ELECT) to estimate the cost because it will be determined by the number and frequency of recall elections.

Although this bill could lead to additional hearings in the circuit courts, it is expected that any additional hearings could be accommodated with current resources.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Elections, State Board of Elections, General Registrars, and circuit courts, and localities.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

January 30, 2023