

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB1004

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

2. Patron: Levine

3. Committee: Privileges and Elections

4. Title: Provisional voting; voter photograph taken at polling place.

5. Summary: Provides that a voter who does not have one of the forms of identification required by law shall be permitted to vote provisionally, in which case he shall have his photograph taken by an officer of election. That photograph shall be transmitted to the electoral board, and no further action by the voter is required. If the electoral board determines that the voter was a qualified voter in the precinct in which he cast the provisional vote and confirms that a photograph of him taken by an officer of election has been received, the voter's provisional vote is required to be counted.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: The proposed legislation is not expected to have a state fiscal impact; however, there may be a significant fiscal impact to localities. Data provided by the Commission on Local Government indicates several localities would need to procure equipment, software, and train the officers of election on the new procedures for allowing voters to cast a provisional ballot.

Although the proposed legislation is expected to impact all localities, several localities have identified significant costs associated with implementing House Bill 1004. Fairfax County estimates the fiscal impact to be \$310,000 in order to pay for the voter photo identification hardware, secure technological infrastructure to securely transmit the images, and training of its 4,000 officers of election. The Department of Elections estimates it would cost \$950 to set-up the voter photo identification hardware in each precinct. According to the City of Danville's general registrar, the current electronic pollbooks do not have the capacity to handle the requirements of the proposed legislation; therefore, its equipment would have to be replaced. The estimated fiscal impact for the City of Danville is \$30,000. The City of Roanoke projects its costs to be \$37,200 to purchase new equipment, including a dedicated laptop, signature pad, camera, light, and printer. The fiscal impact is approximately \$1,600 per precinct.

The proposed legislation would require precincts to have Internet access in order to securely transfer a voter's photograph to the electoral board. Several precincts, including those

located in the City of Norfolk; do not have Internet access, which would make it difficult for those precincts to carry out the provisions included in House Bill 1004.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Elections, electoral boards, general registrars, and localities.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** The Code of Virginia currently has specific guidelines on how to address voters who submit a provisional ballot. Subsection A of § 24.2-653, Code of Virginia, requires voters who submit a provisional ballot to submit a copy of one of the forms of identification specified in subsection B of § 24.2-643, Code of Virginia, to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election in order for the electoral board to determine whether the person was entitled to vote.

The proposed legislation would require precincts to have cameras in order to take a voter's photograph; however, subsection C of § 24.2-604, Code of Virginia, allows authorized representatives to use a handheld wireless communications device, but they cannot use the device to capture a digital image inside the polling place or central absentee voter precinct. It is not clear whether this section of the Code of Virginia needs to be amended in order to allow officers of election to use cameras to take a voter's photograph.