

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB357

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:** Reid

**3. Committee:** Privileges and Elections

**4. Title:** Ballots cast during court-ordered extended polling hours.

**5. Summary:** Provides that at an election without a federal office on the ballot, if the polling hours are extended by a court order, persons who are voting during the extended polling hours shall be permitted to vote a regular ballot. The bill requires that such persons be marked in the pollbook as having voted during the extended polling hours and that such ballots be kept separate from ballots cast during normal polling hours. Under current law, whenever polling hours are extended by a court order, ballots cast by persons who are voting during the extended polling hours are treated as provisional ballots. The bill makes this current law applicable only to elections with a federal office on the ballot, in accordance with the requirements of the Help America Vote Act of 2002.

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

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

**8. Fiscal Implications:** This bill would require persons voting during court-ordered extended polling hours to be marked in the pollbook as having voted during the extended hours and ballots to be kept separately. This creates a new category of voting status. Modifications to the statewide voter registration system (VERIS) and the electronic pollbook (EPB) system would be required in order to track and accommodate this new requirement.

Preliminarily, the Department of Elections (ELECT) indicates it may be capable of making such system modifications without incurring significant development costs. However, it does not expect to be able to implement changes by the time the legislation would take effect on July 1, 2018.

Currently, when hours are extended by a court order, ballots cast by persons who are voting during the extended polling hours are treated as provisional ballots; however, the bill would the use of regular ballots for elections without a federal office on the ballot. This process change to note the voter in pollbooks would require ELECT to modify the statewide voter registration system (VERIS) to create a new category for voters and modify the agency-developed EPB software along with vendor-provided software that would have to be recertified. According to ELECT, the needed changes include:

- Add a new type of voting (currently there is only in-person and absentee)
- Modify all corresponding reports in VERIS to accommodate the new vote type
- Develop new reports to identify the after-hours voters.
- Modify the electronic pollbook system to accommodate the after-hours voters
- Develop correspondence in VERIS generated when a voter falls into the new Category
- Update the EPB Certification Guidelines
- Have the ELECT EPB solution recertified by the State Board of Elections
- Have each current certified EPB vendor have their solution recertified after developing the necessary fixes.

ELECT currently expects these changes to take approximately one year and could be completed by July 2019, at a cost of \$5,000 for the recertification costs for ELECT's EPB solution.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Elections and localities

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

**11. Other Comments:** None.

Date: 2/1/2018