

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB468

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:** Keam

**3. Committee:** Privileges and Elections

**4. Title:** Office of the Election Fraud Ombudsman.

**5. Summary:** Establishes the Office of the Election Fraud Ombudsman (the Office) within the Department of Elections, headed by the election fraud ombudsman, appointed by the Commissioner of Elections. The bill requires the Office to receive and investigate complaints of violations of Title 24.2 (Elections) and to cooperate with the appropriate enforcement authority to ensure enforcement of the election laws. The Office of the Attorney General retains its authority to enforce and prosecute violations of the election laws.

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

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

**8. Fiscal Implications:** This bill establishes the Office of Election Fraud Ombudsman within the Department of Elections (ELECT). The Ombudsman will be appointed by the Commissioner of Elections. The bill requires the Office to receive and investigate complaints of violations of Title 24.2 (Elections) of the Code of Virginia and to cooperate with the appropriate enforcement authority to ensure enforcement of the election laws. The Office is also required to assist voters, candidates, and other interested person regarding their rights and responsibilities under Title 24.2 by providing information and answering questions.

The Department of Elections does not currently conduct investigations of this nature. Therefore, the impact of receiving and investigate complaints of violations of Title 24.2 is indeterminate, as there is no existing data upon which the level of resources needed to carry out the functions outlined in the bill can be estimated. The expected workload associated with assisting and answering questions of voters, candidates, and other interested parties is also unknown. Therefore, the extent of staffing that may be necessary for the Office to carry out its duties is uncertain. However, ELECT currently has very limited capacity to absorb additional workload within its current staffing levels.

In order to establish a distinct Ombudsman office within the Department of Elections capable of carrying out the scope of the Office's obligations, the agency preliminarily anticipates a three-person office would need to be created, comprised of the appointed Ombudsman, a Hearing and Legal Service Officer, and Administrative and Office Specialist II. Expected tasks include gathering and analyzing information and documentation related to complaints

and investigations, communicating with parties of complaints and investigations, coordinating with appropriate law enforcement authorities, and answering inquiries regarding Title 24.2. ELECT estimates the cost to staff the office to be \$342,917, including salary, benefits, other associated nonpersonal services costs, such as office space. This represents total estimated annual costs of \$153,946 for the appointed Ombudsman (expected to be hired as a “Hearing and Legal Service Manager II”), \$103,874 for a Hearing and Legal Service Officer, and \$85,097 for an Administrative and Office Specialist II.

Some ancillary costs to implement this legislation could be absorbed by ELECT, such as updating instructions and guidance documents to include translation, if needed. Changes to the campaign finance reporting system, web materials, printing and distribution of forms, additional support for staff to research Code sections and update forms impacted by the legislation, and training to assure candidates and voters are aware of any new requirements.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Elections, State Board of Elections

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

**11. Other Comments:** None.

Date: 1/30/2020