

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB1847

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: LaRock

3. Committee: Privileges and Elections

4. Title: Elections; registration, absentee, and conduct of election.

5. Summary: Restores the local option to hold May elections; repeals laws permitting registration on election day and requiring preregistration of certain persons under 18 years of age; eliminates the permanent absentee voter list; removes provisions allowing general registrars to contract with a third party for the printing, assembly, and mailing of absentee ballot packets; requires an excuse to vote absentee; reduces absentee voting in person to the 10 days prior to the date of an election; requires that mailed absentee ballots be returned by the United States Postal Service; repeals provisions allowing for absentee ballot drop boxes; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; and requires that provisional ballot envelopes have written on them certain required information in order to be considered, including the signature of the officer of election administering the provisional ballot and his indication of whether photo identification was shown, and if so, the type. The bill also amends provisions regarding risk-limiting audits to allow for (i) risk-limiting audits of the part of a district that covers multiple localities that lies in a single locality and (ii) the use of the batch comparison method when conducting a risk-limiting audit.

6. Budget Amendment Necessary: Yes, Item 89.

7. Fiscal Impact Estimates: Preliminary; see item 8.

8. Fiscal Implications: Among various provisions, this bill would require the Department of Elections (ELECT) to provide free photo identification cards to voters who do not have one of the forms of identification required for voting purposes as specified in subsection B of § 24.2-643, Code of Virginia. ELECT is required to provide to each general register the equipment that would be used to obtain photographs and signatures that would be submitted to the department to create identification cards. ELECT estimates the cost of each set of camera and signature capture pad equipment to be approximately \$704 based on the retail cost of the equipment.

The bill allows the agency to contract out the production and distribution of the voter identification cards and ELECT currently estimates the retail cost to produce the identification cards to be \$7.95 per unit. While these retail costs are the best available estimates at this time, ELECT anticipates actual costs once bid out will likely be less.

The initial estimated one-time cost to purchase camera and signature pad equipment for all localities using the above cost assumptions is \$93,632. The number of localities that may still possess working equipment provided for previous photo identification requirements is unknown and the actual number of localities in need of such equipment may be less. Ongoing annual costs to produce identification cards for an estimated 2,000 voters is \$15,900. In addition to the card production, ongoing costs are expected to replace an estimated five percent of equipment annually. Assuming a replacement rate of 7 units per year, approximately five percent, ongoing equipment replacement costs would be \$4,928. This brings total estimated general fund costs to \$109,532 in fiscal year 2024 and \$20,828 in ongoing annual costs thereafter.

The bill eliminates the ability for voters without acceptable forms of identification to vote after signing a statement, subject to Class 5 felony penalties for false statements pursuant to § 24.2-1016, Code of Virginia, that they are the named registered voters they claim to be. These provisions were initially provided by Chapter 1065 and 1064 of the 2020 Acts of Assembly. At that time, the Virginia Criminal Sentencing Commission estimated a fiscal impact of \$0 for periods of imprisonment in state adult correctional facilities. While any estimate of the impact of eliminating this provision cannot be determined, any decrease in the prison or jail population would reduce costs to the state. The Commonwealth currently pays the localities \$15.00 a day for each state-responsible prisoner held in a jail.

The proposed legislation is not expected to have a fiscal impact on the Department of Motor Vehicles.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, Department of Motor Vehicles, and localities (General Registrars and Electoral Boards).

10. Technical Amendment Necessary: No.

11. Other Comments: None.

January 25, 2023