

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** SB78

**House of Origin**    ☐ Introduced    ☒ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Favola

**3. Committee:** Privileges and Elections

**4. Title:** Campaign advertisements; independent expenditures, electioneering communications.

**5. Summary:** Broadens the scope of disclaimer requirements for campaign advertisements to include electioneering communications, as defined in the bill, and messages advocating for the passage or defeat of a referendum. The bill also requires an advertisement that is an independent expenditure or that expressly advocates for the passage or defeat of a referendum to contain a disclaimer providing the names of the advertisement sponsor's three largest contributors. The bill also requires independent expenditure reports to be filed electronically. Current law allows such reports to be filed either electronically or in writing.

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

**7. Fiscal Impact Estimates:** Preliminary, see below.

**8. Fiscal Implications:** The proposed legislation is not expected to have a fiscal impact on the Department of Elections.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

Any potential revenue impact from the assessment of civil penalties is indeterminate.

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

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

**11. Other Comments:** This bill is a companion to HB276.

February 7, 2024