

## Department of Planning and Budget 2022 Fiscal Impact Statement

**1. Bill Number:** HB305

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:** Ransone

**3. Committee:** Privileges and Elections

**4. Title:** Virginia Personnel Act; policy or administration for Department of Elections.

**5. Summary:** Applies the provisions of the Virginia Personnel Act to the chief deputy and confidential assistant for policy or administration for the Department of Elections. The bill also (i) expands the membership of the State Board of Elections from five members to six members with equal representation given to both parties; (ii) gives the State Board of Elections the authority and duty to appoint the Commissioner of Elections of the Department of Elections by a supermajority vote; (iii) requires the Department of Elections to conduct periodic assessments to ensure that voters are assigned to the correct state legislative and congressional districts based on their residential addresses; (iv) requires the State Registrar of Vital Records to transmit lists of deceased persons weekly instead of the current monthly requirement; (v) requires the general registrars to use information in the lists of deceased persons to promptly remove deceased persons from the voter registration system; (vi) requires voters to present a valid form of photo identification when they vote; (vii) provides that audits of ballot scanner machines must take place prior to the certification of election results; (viii) provides that absentee ballots must be collected daily from absentee ballot drop-off locations by certain people and according to procedures for securing such ballots; (ix) provides that a postmark on an absentee ballot must be legible and no longer includes other official indicia of confirmation of mailing by a postal or delivery service; (x) directs the Department of Elections to provide a means for each registered voter to indicate whether they opt to be required to present a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States when voting in person; and (xi) creates work groups to evaluate the performance of the Virginia voter registration system and to develop and implement a plan to provide oversight to local election administration to assess risks to Virginia's administration of elections. Portions of the bill affecting the composition of the State Board of Elections and the appointment of the Commissioner of Elections have a delayed effective date of January 1, 2023.

**6. Budget Amendment Necessary:** Yes; Item 89 of HB/SB 30.

**7. Fiscal Impact Estimates:** Preliminary.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2023	\$111,084	General Fund

2024	\$23,932	General Fund
2025	\$23,932	General Fund
2026	\$23,932	General Fund
2027	\$23,932	General Fund
2028	\$23,932	General Fund
2029	\$23,932	General Fund

## 8. Fiscal Implications:

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 from a contacted vendor. 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 133 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 costs related to voter identification to \$109,532 the first year cost and \$20,828 in ongoing annual costs thereafter.

This bill would also increase membership of the State Board of Elections (the Board) from five to six members. The Department of Elections estimates an annual cost of \$3,104 per additional Board member. This estimate is based on the following annual cost for a new member at current rates: four days of lodging and per diems at a cost of \$836.00 (lodging \$580, per diem \$256), \$63 for parking, and \$245 for travel per meeting for the nine meetings currently held each year. The average assumed travel distance is 418 miles and was calculated based on the average distance to the State Board of Elections' office from the following three locations: the valley region's Winchester City in the valley region, Accomack County in the eastern region, and Bristol City in the southwestern region of the Commonwealth. Actual travel costs depend on the distance traveled by an individual member. The total estimated cost for fiscal year 2023 is \$1,552 due to the delayed effective date, with ongoing annual costs of \$3,104 thereafter.

According to the Department of Elections, all other provisions of the bill are not expected to have a fiscal impact on the agency.

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 \$12.00 a day for each state-responsible prisoner held in a jail.

This bill is not expected to have a fiscal impact on the Virginia Department of Health, the Department of Motor Vehicles or the Virginia Information Technologies Agency.

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

- 10. Technical Amendment Necessary:** Insert a space after “places” on line 274 of the bill.

- 11. Other Comments:** The second enactment clause requires the Department of Elections to provide the means for each registered voter to indicate whether they opt to be required to present a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States when voting in person no later than October 1, 2022. However, the execution of such a requirement for those who request this option is not referenced elsewhere in the bill and a clarifying amendment may be desirable.

Date: 2/1/2022