

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB767

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Locke

3. Committee: Privileges and Elections

4. Title: Voter registration; restoration of political rights upon release from incarceration.

5. Summary: Provides that any person who loses his political rights as a result of a felony conviction shall be invested with those rights upon his release from incarceration and shall be entitled to register to vote. The bill directs the Department of Corrections and the State Board of Local and Regional Jails to transmit to the Department of Elections certain information for incarcerated persons with a pending date of release and requires the Department of Elections to process the information and make the necessary changes to the voter registration system to permit such persons to register to vote by the date of the person's scheduled date of release. On the date of an incarcerated person's release, the appropriate authority is required by the bill to provide a voter registration application, information on returning the form by mail or completing it by electronic means, and an official release document to serve as a safety net for voter registration. The bill amends the language regarding adjudications of mental incompetency for purposes of being qualified to vote; a person adjudicated to lack the capacity to understand the act of voting shall not be entitled to vote until that capacity has been reestablished. An enactment clause provides that the provisions of the bill shall become effective January 1, 2023, contingent on the passage of an amendment to the Constitution of Virginia in the November 2022 election related to persons convicted of a felony and persons adjudicated as lacking the capacity to understand the act of voting.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact Estimates: See Item 8.

8. Fiscal Implications: The provisions of this bill, as engrossed, are contingent on the passage an associated Constitutional amendment for which a referendum is proposed in SB 21. If a Constitutional amendment is not made, the provisions of the bill will not become effective and there would be no fiscal impact. If the Constitutional amendment is passed in the November 2022 election and the bill's provisions become effective, \$61,904 the first year from the general fund would be needed in Item 429 of HB/SB 30.

If enacted, the provisions of the bill would require the automatic restoration of political rights to those individuals that are convicted of a felony level crime once they have been released from active incarceration in a state correctional facility or a local correctional facility. This bill would change the Department of State Police's reporting requirements to the Department

of Elections to include persons convicted of a felony and sentenced to a period of incarceration. According to the bill's definition of incarceration, this will only include individuals serving active felony sentences in state or local correctional facilities.

Currently, the electronic report sent to the Department of Elections includes individuals convicted of a felony level crime. In order to achieve the new reporting requirements, modifications would need to be made to the monthly report that is electronically sent to the Department of Elections to filter in active sentencing and incarceration type. The Department of State Police estimates this would incur a one-time cost of \$61,904 the first year.

The Department of Corrections expects to be able to meet the bill's requirements and provide the required data at minimal cost, which it is capable of absorbing and does not require additional funding.

As stand-alone legislation, the Department of Elections considers implementation of this bill as "routine," and does not require additional funding.

The proposed legislation is not expected to have an impact on the Circuit Courts.

Any potential impact on local and regional jails is unknown at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Elections, State Board of Elections, Virginia State Police, Virginia Department of Corrections, the Courts, and localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/16/2022