

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: SB1376

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Saslaw

3. Committee: Privileges and Elections

4. Title: Absentee voting; processing of absentee ballots before election day; reporting of absentee ballots.

5. Summary: Requires certain actions to be taken to process absentee ballots returned before the day of the election, including opening sealed ballot envelopes and inserting the ballot into a ballot container or counting machine. The bill requires the establishment of a central absentee voter precinct in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of the polls but that no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of the polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. The bill contains technical amendments for organizational and readability purposes.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact Estimates: See Item 8.

8. Fiscal Implications: As stand-alone legislation, the Department of Elections considers implementation of this bill as “routine,” and does not require additional funding. However, the agency will review all electoral legislation likely to be enacted prior to the passage by each house. If the aggregate number of “routine” bills likely to pass either house is unusually large, it is possible the agency will require additional resources. If so, the Department of Elections will identify the costs at that time.

The bill modifies current law associated with actions that are punishable with Class 1 misdemeanors. 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 the localities \$4.00 a day for each misdemeanant 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

varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2020), the estimated total state support for local jails averaged \$34.59 per inmate, per day in FY 2019.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, General Registrars, and localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/20/2021