

Department of Planning and Budget
2021 Special Session I Fiscal Impact Statement

1. Bill Number: SB1245

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

2. Patron: Deeds

3. Committee: Privileges and Elections

4. Title: Absentee voting; establishment of drop-off locations; ballot defects; cure process.

5. Summary: Makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires general registrars to take certain actions to preprocess absentee ballots returned before election day, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill also requires the establishment of a drop-off location for the return of marked absentee ballots at the office of the general registrar and each voter satellite office and on the day of any election, a drop-off location shall be available at each polling place in operation for such election. The Department of Elections is required to set standards related to the establishment and operation of drop-off locations, including security requirements. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. General registrars must begin processing absentee ballots in the central absentee voter precincts by the seventh day immediately preceding the election, but no ballot counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. The bill also directs the Department of Elections to convene a work group to consider and evaluate methods for sorting absentee ballots by the precinct of the voter casting the absentee ballot and reporting vote totals from absentee ballots separately by each precinct and to communicate any of its recommendations to the Chairmen of the House and Senate Committees on Privileges and Elections by November 15, 2021. The bill contains technical amendments for organizational purposes.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: See item 8.

8. Fiscal Implications: The Department of Elections (ELECT) indicates that the proposed legislation is not expected to have a state fiscal impact.

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 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 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: 2/19/2021