

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB305

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

2. Patron: Ransone

3. Committee: Privileges and Elections

4. Title: State Board of Elections; membership; Commissioner 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 expands the membership of the State Board of Elections (the State Board) from five members to eight members with equal representation given to both parties. The bill requires the Chief Justice of the Supreme Court of Virginia to designate a retired circuit court judge to serve as the tie breaker for the State Board. The bill also gives the State Board the authority and duty to appoint the Commissioner of Elections of the Department of Elections and requires an affirmative vote of five of the State Board's eight members for the appointment and removal of the Commissioner of Elections. In the event that a vacancy occurs in the office of the Commissioner of Elections, the bill provides that the Director of Operations of the Department of Elections will serve as the head of the agency until such vacancy is filled by the State Board. The bill has a delayed effective date of January 1, 2023.

6. Budget Amendment Necessary: See Items 8 and 11.

7. Fiscal Impact Estimates: See Item 8.

8. Fiscal Implications: The expected impact of this bill is likely absorbable and does not necessarily require additional funding.

This bill would increase membership of the State Board of Elections (the Board) from five to eight members with the addition of one retired judge designated as a tie-breaker and to serve ex officio with nonvoting privileges except in the case of a tie vote. 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: 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 \$6,208 for the addition of three members and one tie-breaker due to the delayed effective date, with ongoing annual costs of

\$12,416 thereafter. This assumes the same reimbursement for the designated tie breaker as for other board members.

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

10. Technical Amendment Necessary: No.

11. Other Comments: HB305-S1 is identical to SB371-S4. SB 30, as amended by the Senate of Virginia (Item 89 #3s), provides \$6,208 the first year and \$12,416 the second year from the general fund to expand the State Board of Elections pursuant to SB 371.

Date: 2/28/2022