

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7475

BILL NUMBER: SB 579

NOTE PREPARED: Jan 14, 2009

BILL AMENDED:

SUBJECT: Investigation of Election Law Violations.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Secretary of State-* The bill authorizes the Secretary of State (SOS) to conduct public or private investigations to determine whether a person has violated, is violating, or is about to violate Indiana election law. The bill gives the SOS certain investigative powers, including the power to issue subpoenas, compel the attendance of witnesses, require the filing of statements, and require the production of records, documents, and other things. The bill allows the SOS to apply to a circuit or superior court to enforce a subpoena. The bill allows a witness to apply to a circuit or superior court for relief from testifying or producing records, documents, or other things.

The bill allows the SOS to make a written request to a court for use immunity, and requires the court to grant the SOS's request, for a witness that a court determines may properly refuse to testify or produce records, documents, or other things. The bill requires the SOS to forward the results of an investigation to the appropriate authorities, if the SOS finds evidence of the violation of election or criminal law.

Attorney General- The bill requires the Attorney General (AG), at the SOS's request, to give all necessary assistance to the SOS in the investigation of possible election law violations.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Secretary of State-* The bill would place additional administrative responsibilities on the SOS. The impact to the SOS would depend on the number investigations conducted under the bill. The SOS would be authorized to request the AG to assist in investigations.

Witnesses appearing before the SOS would be eligible for appearance fee and mileage reimbursement.

Attorney General- The Attorney General would be required to give all necessary assistance to the SOS for investigations. Unless additional funding were provided to the AG by either legislative or administrative action, the AG would have to fund any additional services needed to assist the SOS within their existing level of resources.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Background- The AG reverted \$173,490 at the close of FY 2008. However, prior year reversions have been less. The SOS reverted \$155,800 to the General Fund at the end of FY 2008.

Explanation of State Revenues: *Secretary of State-* The SOS would be able to file a petition to a circuit or superior court to request a hearing on a witness' refusal to testify to the SOS.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: Secretary of State, Attorney General.

Local Agencies Affected: Trial courts.

Information Sources: Indiana State Budget Agency: *General and Rainy Day Fund Summaries, June 30, 2008. State of Indiana List of Appropriations Made by the 2007 Indiana General Assembly for the Biennium July 1, 2007, to June 30, 2009.*

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