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FISCAL IMPACT STATEMENT

LS 7460

BILL NUMBER: HB 1404

NOTE PREPARED: Jan 12, 2013

BILL AMENDED:

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Rep. Bartlett

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Defines "Emergency First Responder"*- The bill defines for purposes of Indiana election law "emergency first responder" to include a member of the military, a public safety officer, an employee of a public utility, or a physician with an unlimited license to practice medicine or osteopathic medicine.

Absentee Ballots- The bill permits an emergency first responder who is responding to an emergency declaration to apply for an absentee ballot by electronic mail or fax and receive absentee ballots by electronic mail or fax under stated conditions.

Penalty Provision- The bill defines "false vote history communication" as a written communication sent to an individual that contains information about the individual's voting history that is false. The bill provides that a person who knowingly or intentionally sends a false vote history statement to five or more individuals commits a Class D felony.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Absentee Ballots*- Currently, the Election Division has on its web site form ABS-15 (the application for an absentee ballot for military and overseas voters). Several other absentee application forms also appear on the Election Divisions's web site, including form ABS-1 (general absentee ballot) and ABS-2 (absentee ballot by mail only). There would likely be a minimal cost to the Election Division if these forms needed revision in order to comply with the bill. It is likely the Election Division could accomplish revisions within existing resources.

Penalty Provision- A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision-* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Absentee Ballots-* Local election officials could see an increase in administrative responsibility to process the additional requests for absentee ballots. Additionally, county election officials would have to send notification of confirmation of receiving an absentee ballot to the voter. Unless a fax number or email address has been included with the ballot application, the county election board would have to send confirmation by U.S. mail, which incur additional postage cost to the county.

It is likely that county election officials could link absentee ballot applications to their web sites within existing resources.

Penalty Provision- If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Background: Currently, first-class postage for personal mail is \$0.44 retail and begins at \$0.37 for business automation postage. Certified mail is \$2.85 per letter.

Explanation of Local Revenues: *Penalty Provision-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Election Division.

Local Agencies Affected: Trial courts, local law enforcement agencies, county election boards.

Information Sources: <http://www.in.gov/sos/elections/2673.htm>; <http://www.in.gov/sos/elections/2397.htm>; United States Postal Service.

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