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FISCAL IMPACT STATEMENT

LS 7192

BILL NUMBER: HB 1116

NOTE PREPARED: Mar 20, 2023

BILL AMENDED: Mar 20, 2023

SUBJECT: Various Elections Matters.

FIRST AUTHOR: Rep. Wesco

FIRST SPONSOR: Sen. Walker G

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Level 6 Felony*– The bill defines "election worker" and makes it a Level 6 felony to take certain actions: (1) for the purpose of influencing an election worker; (2) to obstruct or interfere with an election worker; or (3) that injure an election worker.

Municipal Redistricting– The bill provides that if a municipal legislative body failed to redistrict its legislative body districts before January 1, 2023, the municipal legislative body is required to do so before May 15, 2023. The bill provides that if a redistricting authority fails to redistrict as required by law, an individual who is a voter of the political subdivision whose redistricting authority failed to redistrict as required may petition the Secretary of State to establish election districts for the political subdivision.

Specified Annual Per Diem– The bill requires certain counties to pay a specified annual per diem to the circuit court clerk of the county.

Ten-Year Prohibition on Voting– The bill provides that a person who is convicted of a vote fraud felony committed after June 30, 2023, is deprived of the right of suffrage by the General Assembly for a period of 10 years following the date of conviction.

Electric Display of Sample Ballot– The bill authorizes the re-purposing of an electronic poll book unit as a device to display sample ballots if the electronic poll book software is deleted from the unit. The bill permits the use of an electronic device at a precinct or vote center to display a sample ballot.

Confidential Voter Information– The bill declares confidential particular information that directly or indirectly indicates the selections made by a voter while voting in an election.

Document Storage Fee– The bill increases from \$5 to \$8 the document storage fee collected by certain court clerks.

Effective Date: Upon passage; July 1, 2023; January 1, 2024.

Explanation of State Expenditures: *Municipal Redistricting*– It is likely the Secretary of State would be able to establish legislative body districts in any municipalities that fail to establish new boundaries by the deadline specified within the bill.

Electric Display of Sample Ballot– The Election Division may need to update their publications to describe the allowance of the use of electronic imaging devices to display sample or provisional ballots. The updates would likely be able to be accomplished as a routine matter of business.

(Revised) *Level 6 Felony*– A Level 6 felony is punishable by a prison term ranging from 6 to 30 months, with an advisory sentence of 1 year. The sentence depends on 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 \$4,456 annually, or \$12.21 daily, per prisoner. However, any additional expenditures are likely to be small.

Explanation of State Revenues: (Revised) *Level 6 Felony*– 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 Level 6 felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Specified Annual Per Diem*– The impact of this provision on county expenditures would vary and depend on local action. Under the bill, the minimums paid to county clerks would be as follows.

- In counties with 100,000 or fewer registered voters, payment would be at least \$2,000 by July 1 in a year a primary election was held and at least \$2,000 by December 31 in a year a general election was held.
- In counties with more than 100,000 registered voters, payment would be at least \$2,500 by July 1 in a year a primary election was held and at least \$2,500 by December 31 in a year a general election was held.

Ten-Year Prohibition on Voting– The administrative workload of county election boards would increase slightly to determine persons that would be ineligible to vote under this provision. It is unlikely that the workload increase would be significant.

Electric Display of Sample Ballot– This provision would require the posting of notices indicating the use of non-voting system electronic devices displaying sample ballots. It is likely these administrative requirements would be routine and accomplished with existing election staff.

(Revised) *Level 6 Felony*– 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.

Explanation of Local Revenues: (Revised) *Level 6 Felony*– 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.

Document Storage Fee— Increasing the document storage fee from \$5 to \$8 would generate an estimated additional \$1.5 M per year. Revenue from the document storage fee is deposited into the clerk record perpetuation fund.

State Agencies Affected: Department of Correction, Election Division

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

Information Sources:

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