



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0133 Amended by House Judiciary on May 3, 2022
Author: Massey
Subject: Convention of the States
Requestor: House of Representatives
RFA Analyst(s): Miller
Impact Date: May 4, 2022

Fiscal Impact Summary

This joint resolution calls for the convention of the states and makes changes to provisions regarding elections, early voting, and the investigation of election fraud as follows:

This joint resolution allows the General Assembly to apply to Congress for the calling of a convention of the states with the purpose of proposing an amendment to the United States Constitution to limit federal appropriations to the total of all estimated federal revenues in a fiscal year, unless there is a national emergency. RFA anticipate that any responsibilities from this provision can be managed within the normal course of business for both the House of Representatives and the Senate. Therefore, this provision will have no expenditure impact for either body.

This joint resolution also specifies that the State Election Commission (Elections) has powers and duties to supervise and standardize the performance, conduct, and practices of the county boards of voter registration and elections. This will have no expenditure impact as Elections anticipates being able to manage these duties with existing staff and within existing appropriations.

Further, the joint resolution creates a two-week early voting period preceding every general election. Each county must establish a certain number of early voting locations for registered voters to be able to vote in-person on Monday through Saturday for this two-week period. The minimum required number of locations ranges from one to seven depending on the number of registered voters or the square miles of the county. The main office of the local county board of voter registration and elections may be allowed to count as one of the required locations. This joint resolution also limits a candidate's ability to run for multiple offices in one election or receive nomination from more than one political party.

This joint resolution may increase General Fund expenditures by up to \$829,920 for Elections beginning in FY 2022-23 for reimbursements provided to local boards of voter registration and elections for staffing of the required 182 early-voting locations. Based on the current requirements for election day, Elections assumes each of the 182 required early-voting location will be staffed with four poll workers and an additional clerk who will receive the same compensation as those who work at the polls on election day. If staffing levels are lower, the

expenditures would be reduced as well. Additionally, this joint resolution will increase expenditures by \$160,000 for Elections in FY 2022-23 to update the state's Voter Registration and Election Management System (VREMS). Elections anticipates covering this one-time expense with Federal Funds from the federal Help America Vote Act (HAVA) security grant.

This joint resolution creates a felony for an election official, election worker, or candidate who intentionally publicly reports the results of an absentee ballot tabulation prior to the close of polls. This provision will have no expenditure impact for Judicial, because, while the potential increase in the caseloads for both general sessions and the court of common pleas is unknown, Judicial anticipates the impact will be minimal and can be managed within existing appropriations. Further, the provision will result in an undetermined increase in General Fund and Other Funds expenditures for Department of Corrections (Corrections) beginning in FY 2022-23, as the impact will depend upon the number of convictions under this new felony and the duration of any imprisonments. The total cost to house an inmate in FY 2021-22 is \$30,187, of which \$27,883 is state funded.

Additionally, SLED indicates that the agency will need an additional 3.0 FTEs and expenses to operate the required hotline and investigate reports of election fraud. The estimated General Fund expenditures will total \$209,950 for SLED in FY 2022-23 for 3.0 FTEs' salary, fringe, and other operating expenses and \$78,600 for the purchase a vehicle, for a total General Fund expenditure increase of \$288,550 in FY 2022-23. Each year thereafter, the General Fund expenditure due to this joint resolution for SLED will be \$209,950.

This joint resolution also specifies that the President of the Senate and the Speaker of the House have the right to intervene on behalf of their respective bodies in court cases challenging the validity of an election law, policy, or the way an election is conducted. This joint resolution will have no expenditure impact for the Senate and the House of Representatives, as both bodies anticipate being able to manage any additional responsibilities with existing staff and within existing appropriations.

This joint resolution creates a new felony with a potential fine of up to \$1,000. This may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, Revenue and Fiscal Affairs (RFA) anticipates this joint resolution may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the modifications in fines and fees collections in court.

Based on information provided by Elections, RFA anticipates this joint resolution may increase local expenditures by \$829,920, based upon assuming each of the 182 required early-voting location is staffed with four poll worker and an additional clerk who receives the same compensation as those who work at the polls on election day. This estimate is based on the current staffing requirement for election polls as provided by Elections. These expenditures will be offset by reimbursements from Elections.

Explanation of Fiscal Impact

Amended by House Judiciary on May 3, 2022

State Expenditure

This joint resolution allows the General Assembly to apply to Congress for the calling of a convention of the states with the purpose of proposing an amendment to the United States Constitution to limit federal appropriations to the total of all estimated federal revenues in a fiscal year, unless there is a national emergency. RFA anticipate that any responsibilities within this provision can be managed within the normal course of business for both the House of Representatives and the Senate. Therefore, this provision will have no expenditure impact for either body.

Further, the joint resolution specifies that Elections has powers and duties to supervise and standardize the performance, conduct, and practices of the county boards of voter registration and elections.

This joint resolution also creates a two-week early voting period preceding every general election. Each county must establish a certain number of early voting locations for registered voters to be able to vote in-person on Monday through Saturday for this two-week period. The minimum required number of locations may range from one to seven depending on the number of registered voters or the square miles of the county. The main office of the local county board of voter registration and elections may be allowed to count as one of the required locations. This joint resolution also limits a candidate's ability to run for multiple offices in one election or receive nomination from more than one political party.

Further, this joint resolution updates the absentee ballot form and requires a driver's license or other form of identification be provided for a person to obtain and return an absentee ballot in person.

This joint resolution also specifies that any qualified elector may vote absentee if he will be absent from the county during the early-voting period and election day. Additionally, this joint resolution changes the timing of when absentee ballots may be counted from 9:00 AM the day of the election to 7:00 AM on the day before the election and specifies that any elected official or election worker who intentionally publicly reports the absentee ballot tabulation prior to the close of the polls is guilty of a felony and will be subject to a fine up to \$1,000 or imprisonment for up to five years.

Also, this joint resolution requires Elections to update the absentee forms, maintain the statewide voter registration database, and provide an annual report to the House and Senate on the statewide voter registration database, among other responsibilities.

South Carolina Election Commission.

This joint resolution specifies that Elections has powers and duties to supervise and standardize the performance, conduct, and practices of the county boards of elections and voter registrations. Elections anticipates being able to manage these duties within existing appropriations.

This joint resolution also requires Elections to update the absentee forms, maintain the statewide voter registration database, and provide an annual report to the House and Senate on the statewide voter registration database, among other responsibilities. Elections anticipates being able to manage these responsibilities with existing staff and within existing appropriations. Additionally, Elections anticipates the need to update to VREMS due to this joint resolution. Elections anticipates the cost to update VREMS will be approximately \$160,000 in FY 2022-23. Elections anticipates using Federal Funds provided through the federal HAVA security grant to cover this one-time expenditure.

Further, Elections reimburses local boards of voter registration and elections for certain elections expenses. This joint resolution will result in an increase in local reimbursable expenditures to staff early-voting locations, and thereby, the state reimbursement. Elections anticipates that the early-voting locations will be staffed in the same manner as polling locations on election day, which requires four poll workers and an additional clerk. Based on this assumption, this joint resolution will increase General Fund expenditures by up to \$829,920 for Elections beginning in FY 2022-23 for reimbursements provided to local boards of voter registration and elections for staffing of the 182 required early-voting locations. If the staffing requirements are lower, the expenditures would be reduced as well.

Judicial. This joint resolution creates a felony for an election official, election worker, or candidate who intentionally publicly reports the results of an absentee ballot tabulation prior to the close of polls. This provision may result in an increase in the caseload in General Sessions court. Additionally, Judicial anticipates this joint resolution may increase the number of actions brought in the Court of Common Pleas, related to challenges to an election. While the potential increase in the caseloads for both courts is unknown, Judicial anticipates the impact will be minimal and can be managed within existing appropriations. Therefore, this joint resolution will have no expenditure impact for Judicial.

Department of Corrections. This joint resolution creates a felony for an election official, election worker, or candidate who intentionally publicly reports the results of an absentee ballot tabulation prior to the close of polls. Upon conviction, the person will be fined no more than \$1,000 or imprisoned for no more than five years. The total cost to house an inmate in FY 2021-22 is \$30,187, of which \$27,883 is state funded. Therefore, this joint resolution will result in an undetermined increase in expenses for Corrections beginning in FY 2022-23, as the impact is dependent upon the number of convictions under this new felony and the duration of any imprisonment.

State Law Enforcement Division. This joint resolution requires SLED to establish a hotline telephone number and email address to receive reports on possible election fraud and other election related violations and must investigate all reported violations. SLED reports that it will need to hire 3.0 FTEs, one administrative coordinator to manage the hotline and e-mail reporting, one statistical analyst to provide research and information on reported complaints, and one agent to investigate the reported complaints. The total General Fund expenditure for these FTEs for salary, and fringe is \$182,950. SLED also anticipated an additional \$27,000 for other operating expenses to support these FTEs. Further, SLED will also incur one-time costs of \$78,600 to

purchase a vehicle for the agent, as well as computer and telephone equipment for all new staff. Therefore, the total General Fund expenditure impact for SLED in FY 2022-23 would be \$288,550. Each year thereafter the total General Fund expenditure impact will be \$209,950.

Senate and House of Representatives. This joint resolution specifies that the President of the Senate and the Speaker of the House have the right to intervene on behalf of their respective bodies in court cases challenging the validity of an election law, policy, or the way an election is conducted. Both bodies anticipate that any additional responsibilities created by this amended joint resolution can be managed with existing staff and within existing appropriations.

State Revenue

This joint resolution creates a new felony with a potential fine of up to \$1,000. This may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this joint resolution may result in an undetermined increase in General Fund revenue, Other Funds revenue, and local revenue due to the modifications in fines and fees collections in court.

Local Expenditure

This joint resolution requires an early voting period of two weeks preceding a general election, a primary, special election, and all municipal elections and to the extent time permits, an early voting period for primary runoffs. For general elections, each county board of voter registration and elections must establish early-voting locations based on a formula related to either the number of registered voters or the square mileage of the county, whichever results in a larger number of locations. However, this joint resolution specifies that when the formulas differ by more than three locations, then the Executive Director of the Election Commission may authorize two fewer locations than the higher formula requires.

RFA calculated the minimum required number of early-voting locations based on the number of registered voters by county, published on the State Election Commission's website and RFA's data on the square mileage for each county. Based on these calculations, the counties of Chesterfield, Colleton, Georgetown, Orangeburg, and Williamsburg would all be eligible to have two fewer locations. RFA assumes each of the counties would receive permission from the Election Commission to have two fewer locations than the formula requires, and therefore, calculated the number of required locations based on this assumption. Elections anticipates that each location will require the same number of poll workers to work the early-voting locations as are required to work the polls on election day. This includes four poll works and an additional clerk. Assuming each poll worker for the early-voting locations receives the same training and daily compensation as those working on election day, each poll worker will receive \$60 for attending training and \$75 per day for working at the early-voting locations. Additionally, the clerk will receive \$60 per day. This will result in a total of \$4,560 per early-voting location for the duration of the early-voting period. The following table displays the minimum required number of early-voting places in each county and the total cost of staffing each location.

ESTIMATED MINIMUM NUMBER OF REQUIRED EARLY-VOTING LOCATIONS

COUNTY	# LOCATIONS	POLL WORKER COMPENSATION	COUNTY	# LOCATIONS	POLL WORKER COMPENSATION
Abbeville	3	\$13,680	Greenwood	3	\$13,680
Aiken	6	\$27,360	Hampton	3	\$13,680
Allendale	3	\$13,680	Horry	7	\$31,920
Anderson	4	\$18,240	Jasper	4	\$18,240
Bamberg	2	\$9,120	Kershaw	4	\$18,240
Barnwell	3	\$13,680	Lancaster	3	\$13,680
Beaufort	5	\$22,800	Laurens	4	\$18,240
Berkeley	7	\$31,920	Lee	3	\$13,680
Calhoun	2	\$9,120	Lexington	6	\$27,360
Charleston	7	\$31,920	Marion	3	\$13,680
Cherokee	2	\$9,120	Marlboro	3	\$13,680
Chester	3	\$13,680	McCormick	2	\$9,120
Chesterfield	3	\$13,680	Newberry	4	\$18,240
Clarendon	4	\$18,240	Oconee	4	\$18,240
Colleton	4	\$18,240	Orangeburg	4	\$18,240
Darlington	3	\$13,680	Pickens	3	\$13,680
Dillon	3	\$13,680	Richland	7	\$31,920
Dorchester	3	\$13,680	Saluda	3	\$13,680
Edgefield	3	\$13,680	Spartanburg	6	\$27,360
Fairfield	4	\$18,240	Sumter	4	\$18,240
Florence	5	\$22,800	Union	3	\$13,680
Georgetown	4	\$18,240	Williamsburg	3	\$13,680
Greenville	7	\$31,920	York	6	\$27,360

Source: State Election Commission and Revenue and Fiscal Affairs

This joint resolution specifies that if the main office of a county board of voter registration and elections is used as an early-voting location, it may constitute one of the required locations. This calculation assumes that the same number of poll workers will be needed to staff the main office. Therefore, local expenditures statewide would increase by up to \$829,920 annually beginning in FY 2022-23. Elections anticipates this local expenditure will be offset by state reimbursements.

Local Revenue

This joint resolution creates a new felony with a potential fine of up to \$1,000. This may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this joint resolution may result in an undetermined increase in General Fund revenue, Other Funds revenue, and local revenue due to the modifications in fines and fees collections in court.

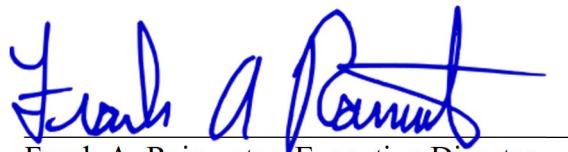
Additionally, this joint resolution will result in an increase in local reimbursements from Elections totaling \$829,920 to offset the cost of staffing the local early-voting locations.

Introduced on January 12, 2021

State Expenditure

This joint resolution allows the General Assembly to apply to Congress for the calling of a convention of the states with the purpose of proposing amendments to the United States Constitution.

The South Carolina delegation will consist of seven delegates and three alternative delegates, three from the House of Representatives, two from the Senate, and two additional delegates as specified by this resolution. We anticipate that any responsibilities within the joint resolution can be managed within the normal course of business for both bodies. Therefore, this joint resolution will have no expenditure impact for either body.



Frank A. Rainwater, Executive Director