



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. 0406 Introduced on January 18, 2023
Author: Campsen
Subject: Early Voting Ballots
Requestor: Senate Judiciary
RFA Analyst(s): Miller and Bryant
Impact Date: February 21, 2023

Fiscal Impact Summary

This bill specifies that ballots cast during the early voting period may begin to be tabulated at the same time as absentee ballots. Additionally, this bill creates a new felony for those who intentionally publicly report the results of the early voting period before the polls are closed. Currently, only early reporting of absentee ballot tabulation is a felony.

This bill will have no expenditure impact for the State Election Commission as it requires the agency to perform activities within the normal course of business.

This bill will have no expenditure impact for Judicial, because, while the potential increase in general sessions caseloads is unknown, Judicial anticipates the impact will be minimal and can be managed within existing appropriations.

This bill will result in an undetermined increase in General Fund and Other Funds expenditures for the Department of Corrections beginning in FY 2023-24, 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 was \$32,247 per year, of which \$30,044 is state funded, and the marginal cost per inmate was \$4,836, \$4,830 of which was state funded.

The Commission on Indigent Defense indicates that this bill will have a minimal expenditure impact on the agency and can be managed within existing appropriations.

This bill 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 bill 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.

Explanation of Fiscal Impact

Introduced on January 18, 2023

State Expenditure

This bill specifies that ballots cast during the early voting period may begin to be tabulated at the same time as absentee ballots. Additionally, the bill specifies that any election official, election worker, candidate, or watcher who intentionally publicly reports the results of the early voting period before the polls are closed is guilty of a felony and will be subject to a fine up to \$1,000 or imprisonment for up to five years.

State Election Commission. This bill will have no expenditure impact for the State Election Commission as it requires the agency to perform activities within the normal course of business.

Judicial. This bill creates a felony for an election official, election worker, candidate, or watcher who intentionally publicly reports the results of an early voting period prior to the close of polls. This provision may result in an increase in the caseload in General Sessions court. While the potential increase in the caseload is unknown, Judicial anticipates the impact will be minimal and can be managed within existing appropriations, as there were no cases filed in 2022 for an existing similar offense contained within Section 7-15-420(E). Therefore, this bill will have no expenditure impact for Judicial.

Department of Corrections. This bill creates a felony for an election official, election worker, candidate, or watcher who intentionally publicly reports the results of an early voting period 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 was \$32,247, of which \$30,044 is state funded, and the marginal cost per inmate was \$4,836, \$4,830 of which was state funded. Therefore, this bill will result in an undetermined increase in expenses for Corrections beginning in FY 2023-24, as the impact is dependent upon the number of convictions under this new felony and the duration of any imprisonment.

Commission on Indigent Defense. This bill creates a felony for an election official, election worker, candidate, or watcher who intentionally publicly reports the results of an early voting period prior to the close of polls. The Commission on Indigent Defense indicates that this bill will have a minimal expenditure impact on the agency and can be managed within existing appropriations.

State Revenue

This bill 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 bill may result in an undetermined impact to General Fund revenue and Other Funds revenue due to the modifications in fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

This bill 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 bill may result in an undetermined impact to local revenue due to the modifications in fines and fees collections in court.



Frank A. Rainwater, Executive Director