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H.B. 680 133rd General Assembly	Fiscal Note & Local Impact Statement
	Click here for H.B. 680's Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Abrams

Local Impact Statement Procedure Required: No

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Highlights

- The bill revises absent voter's ballot timelines by shortening the time period to request a ballot by one week. This could potentially reduce the number of absent voter's ballots requested, which would reduce printing and postage costs for county boards of elections.

- The Secretary of State is eligible for approximately $12.9 million in federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding through the Elections Assistance Commission (EAC). Any such funding would be deposited into the Help America Vote Act (HAVA) Fund (Fund 3AS0).

- The bill specifies the uses for which the Secretary of State may use federal CARES Act funds. The uses in the bill also comply with the specified EAC uses for these funds.

- The bill prohibits the Secretary of State from mailing unsolicited absent voter ballot applications for the November 2020 general election. The Secretary of State has sent these applications in the previous two even-numbered year general elections. The costs of previous mailings have ranged between $1.2 million and $1.4 million.

- The bill implements a contingency plan for an all-mail election in the event of a public health emergency. In this case, all ballots would be absent voter ballots except for limited in-person ballots. Overall, the contingency plan would appear to result in a reduction in election costs as compared to an election held under current law processes.

Detailed Analysis

Overview

The bill makes several election law changes in different areas. The bill makes permanent changes to absent voting procedures, makes changes affecting 2020 absent voting procedures, delineates the permissible uses of federal Coronavirus Aid, Relief, and Economic Security

(CARES) Act money, and lay out a plan for an all-mail election program to be implemented in the event of a public health emergency. In totality, the provisions of the bill appear to potentially reduce some election-related costs to both the Secretary of State and county boards of elections.

Absent voting changes

The bill makes several modifications to continuing law as it relates to absent voting. Specifically, the bill shortens the amount of time, for all elections, that voters have to apply for absentee ballots. Under the bill, the application must be received at the office of the board of elections by noon on the tenth day before the day of the election, instead of by noon on the third day before the election. The potential result of this change is to reduce the number of potential absent voter's ballots requested and cast in a particular election. Additionally, the bill clarifies that the Secretary of State may not prepay the return postage on any applications for absent voter's ballots or on any actual absent voter's ballots. This mirrors current law with respect to county boards of elections. The Secretary of State currently does not prepay postage on any such documents.

Use of CARES Act funds

The bill directs the Secretary of State to use any funds received under the federal CARES Act through the end of FY 2021 for certain purposes. The Secretary of State is eligible to receive nearly $12.9 million through the Elections Assistance Commission (EAC). These funds, once received, would be deposited into the federal Help America Vote Act (HAVA) Fund (Fund 3AS0). Under the CARES Act, these funds are required to be used to cover all additional costs associated with conducting the 2020 federal election cycle due to the COVID-19 pandemic.

The bill mandates that the Secretary of State use these funds for the following reasons:

1. To pay the costs associated with the March 17, 2020, primary election in accordance with H.B. 197 of the 133rd General Assembly;[1]

2. To provide a one-time incentive bonus payment to precinct election officials and temporary employees of the boards of elections for the November 2020 general election, in a manner to be determined in conjunction with the boards of elections;

3. To provide personal protective equipment (PPE) for election officials, and to pay for cleaning and modifying the layout of polling places and the offices of the boards of elections to provide adequate social distancing;

4. To provide any additional resources or related equipment needed to handle increased volumes of mail that may result during the November 2020 general election; and

5. To pay any costs associated with implementing the contingency procedure created by the bill, if that procedure is used.

The bill does not directly specify the magnitude of these incentive bonuses nor the nature of the provision of PPE. So it is unclear as to how much these provisions would cost.

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[1] H.B. 197 appropriated $7.0 million to Fund 5RG0; as of June 2, $3.0 million has been spent.

However, these expenditures would clearly be limited to those funds made available through the CARES Act.

Absent voter ballot applications for 2020

The bill prohibits the Secretary of State from mailing unsolicited absent voter ballot applications for the November 2020 general election. The Secretary of State has, in practice, and with approval of the Controlling Board, sent unsolicited absent voter ballot applications for the general elections of even-numbered year elections. Typically, these mailings are paid from a GRF transfer from the Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter Mailing Fund (Fund 5RG0). The cost of past mailings was just over $1.2 million for the 2016 general election and nearly $1.4 million for the 2018 general election.

All-mail election contingency

The bill creates a permanent law contingency procedure that may be used to conduct an election entirely by mail during a public health emergency. This procedure is similar to that used for the 2020 primary election under H.B. 197 of the 133rd General Assembly. (The LSC bill analysis contains the detailed procedures.) Generally, under this arrangement all ballots are absent voter's ballots, although in-person voting is permitted for ADA compliance, for individuals that cannot receive mail at their current residence, and/or those whom requested an absent voter's ballot but did not receive one or whose ballot was lost, stolen, destroyed, or defaced.

It is uncertain as to how frequently such a contingency would be implemented. However, given the implementation provisions of the plan, such a method would, on the whole, reduce election costs for county boards of elections. While at first, county boards of elections would see cost increases primarily attributable to (1) printing and postage of additional absent voter ballots and (2) receiving, sorting, and counting a larger number of absent voter ballots, there are likely to be offsetting savings. First, boards of elections would experience significant cost reductions in poll worker staffing costs, and costs related to their training. Secondly, costs for voting machine programming and preparation would also be reduced. There could also be cost savings in other areas such as reduced space rental and IT costs. Overall, the magnitude of cost increases versus cost savings is uncertain. Nevertheless, as mentioned above, the savings attributable to carrying out this plan if needed would exceed the cost increases related to distributing and processing absent voter's ballots. As a comparison, the state of Colorado examined voting reforms made during its switch to all-mail voting. Overall, it appears that Colorado, which implemented a plan that is somewhat similar to that contained in the bill, saw savings of up to 40% for most election-related expenses.[2]

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[2] https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/03/colorado-voting-reforms-early-results (accessed June 2, 2020).