

Multiple Agency Fiscal Note Summary

Bill Number: 1174 HB	Title: Jail-based voting
-----------------------------	---------------------------------

Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Secretary of State	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

Prepared by: Gwen Stamey, OFM

Phone:
(360) 790-1166

Date Published:
Final

Individual State Agency Fiscal Note

Bill Number: 1174 HB	Title: Jail-based voting	Agency: 085-Office of the Secretary of State
-----------------------------	---------------------------------	---

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jason Zolle	Phone: 360-786-7124	Date: 01/09/2023
Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 01/11/2023
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 01/11/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/12/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 defines “jail” to mean a county, city, or tribal jail located in Washington.

Section 2 requires each county auditor’s office to designate one employ as the jail voting coordinator for their county; and each jail must designate one employee as the jail voting coordinator for the jail.

Section 3 requires each county auditor to create a jail voting plan for each jail within their county. The plan must be developed in consultation with the Office of the Secretary of State (OSOS).

Section 4 requires jails:

- To provide people who are incarcerated with access to voter information.
- Permit elections official to enter the jails at least 30 days in advance of elections to provide voter registration outreach.
- Provide information about registering to vote.
- Must document all voting-related requests and complaints made by people who are incarcerated.
- Collect data related to voter registration and ballot return from people who are incarcerated.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The fiscal impact of this bill is indeterminate.

The bill will increase the costs of conducting elections for each county (or at least the ones who have a jail as defined in the bill). The bill does not regulate exactly how much outreach or staff time each county is required to commit. The State is responsible for a share of the costs of elections conducted in which there is at least one federal, state, legislative, certain judicial offices, or state measure appearing on the ballot. OSOS has no way of estimating the additional costs of elections resulting from this bill, therefore cannot estimate the impact on the state’s share. OSOS does believe the impact would be minimal.

Section 3 requires each county auditor to create a jail voting plan for each jail within the county. The plan must be created in consultation with the jail voting coordinator at each jail and with the OSOS. No timeline is provided for completion of the plans, but OSOS assumes the plans would be created in State Fiscal Year 2023.

The amount of staff time OSOS needs to devote to consultation with counties will be determined by the level of elections expertise in each county and county jail, and cannot be accurately projected. OSOS could need to devote from .5 to 1 FTE Program Specialist 4 to the effort at a cost of \$65,000 to \$143,000 in SFY23 for compensation, standard goods and services, travel, and office equipment.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1174 HB

Title: Jail-based voting

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Indeterminate increase in city jail staff and any materials required by the jail's voting plan. No change to election costs. Election costs already include printing voter pamphlets and ballots for people who are incarcerated.
- Counties: Indeterminate increases in auditors' staffing, printing and equipment costs.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to: Counties' optional printed materials provided to jails; number of incarcerated people in each county; number of jails in each county where auditors will have to make jail voting plans.

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of election and jail staff required at each facility; printing and equipment requirements; auditors' current print media provided to each jail.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/17/2023
Leg. Committee Contact: Jason Zolle	Phone: 360-786-7124	Date: 01/09/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/17/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/18/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

The legislation would add four new sections to chapter 29A.04: Elections General Provisions.

Sec. 1 defines “jail” as a county, city, or tribal jail located in Washington.

Sec. 2. (1) requires each county auditor’s office to designate one employee as the jail voting coordinator for the county.

Sec. 2 (2) requires each jail to designate one employee as the jail voting coordinator for the jail.

Sec. 3 adds a new section to chapter 29A.04 that requires each county auditor to create a jail voting plan for each jail in the county. The plan must be created with the jail voting coordinator at each jail and with the Office of the Secretary of State. The jail voting plan must include all details outlined in section 3 (2).

Sec. 3 (2) lists the minimum details that must be included in a jail voting plan. The plan must describe how the jail will help people who are incarcerated to:

- Register to vote or update voter registration
- Access proof of their identification or residency
- Access information and materials for voting eligibility and restoration
- Access voter education materials including voters’ pamphlets
- Access necessary writing materials to fill out ballots
- Complete ballots in secret

Sec. 3 (3) adds to the requirements of the jail voting plan. The plan must also specify how the jail will:

- Provide visible information on registering to vote and accessing a ballot for people who are incarcerated.
- Ensure all incarcerated people are made aware of key dates for registering to vote and returning a ballot.
- Accommodate people with disabilities to register to vote and to fill out ballots.

Sec. 4 lists new requirements for all jails. Jails will be required to:

- Provide access to voter registration information, ballot-related information and ballots according to the jail’s plan.
- Make ballots accessible to registered voters at least 18 days before a primary or election.
- Allow election officials from the county auditor’s office and the Office of the Secretary of State’s to enter the jail at least 30 days before each primary and general election. They will provide voter registration outreach and education.
- Provide information about and materials necessary for registering to vote to all people who are released from the jail’s custody.
- Document all voting related requests and complaints made by incarcerated people.
- Collect data related to vote registration and ballot returns from people who are incarcerated.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

City, county and tribal jails, and county auditors would incur indeterminate increased expenditures resulting from the legislation due to additional staff, printing and equipment costs.

Auditors and jails would incur indeterminate increases in staffing costs. The legislation requires auditors and jails to increase voter outreach, designate one employee as the jail voting coordinator, and to create a jail voting plan for every city, county or tribal jail in Washington state. Staff costs would vary across counties and jails in accordance with the varying size and average daily populations of each jail. Additionally, counties with a greater number of incarcerated people, or with more than one city, county or tribal jail in the county’s boundaries would require additional staff time to

conduct voter outreach with a greater number of people, and to establish jail plans with more than one jail. Jail voting plans would also have indeterminate impacts on counties and jails depending on the requirements of each jail's plan.

Auditors' printing costs could also indeterminately increase depending on the jail voting plan that each jail would establish. Auditors may need to print information and materials for voting eligibility and restoration; voter education materials; visible information on registering to vote and accessing a ballot; and print media to ensure all incarcerated people are made aware of key voting dates. If the plan requires auditors to print any materials beyond those which they already provide, then counties could incur additional indeterminate printing costs.

County printing costs will vary by county due to the fact that different counties currently print different materials for jails. Whatcom County Auditor's Office shared that voter pamphlets, registration forms, and ballots are currently provided for jails, as required. Additionally, written notice about the process to restore the person's voting rights must be provided prior to the person being released from the facility.

However, posters that visibly provide information regarding registering to vote or upcoming key voting dates are optional. Consequently, jail voting plans' impact on counties' printing costs could differ. If a jail voting plan required print materials that a county is already providing, then printing costs would not be impacted. But if a jail voting plan required a county to print new materials, then the county would incur new costs for printing the new materials. The printing requirements that will be identified in each jail's voting plan cannot be predicted, and the current print media supplied by auditors to jails is not known. Therefore, potential increases in printing costs are indeterminate.

To demonstrate how the legislation's cumulative cost impacts could vary by county, potential cost estimates were provided by Whatcom and Thurston County Auditors' Offices. Note that Thurston County has more than one jail in the county, so their total costs resulting from the legislation would be greater than the one jail estimate that they provided for this fiscal note.

According to the staffing projections anticipated by Whatcom County Auditor's Office, Whatcom County would incur and additional \$12,800 in staffing costs to fulfill the obligations of the legislation at Whatcom County Jail. Whatcom noted that anticipating staff costs was difficult because Whatcom's voter outreach efforts with people who are incarcerated have always been coordinated remotely. To estimate the required staff needed, Whatcom used Whatcom County Jail's 2021 average daily population rate of 222 incarcerated people, according to the Washington Association of Sheriff and Police Chiefs (WASPC). Then, the Whatcom County Auditor's Office estimated 4 staff would be needed to work 40 hours before each election at \$40 per hour. Washington State Association of County Auditors (WSACA) estimates the 2023 average election staff hourly salary is \$40, including benefits. Because election staff positions vary by county, WSACA's election staff hourly pay estimate was used to calculate potential cost impacts for illustrative purposes only. The legislation's total staffing cost, then, for Whatcom County's auditor's office would be \$12,800 (4 new staff x 40 hours x 2 elections per year x \$40 per hour staff wage). This assumes there are no special elections. The total cost would be approximately \$58 per incarcerated person.

Thurston County Auditor's Office estimated it would cost \$15,400.80 to implement the legislation at Thurston County Jail, but their jail has a slightly higher average daily population at 282 incarcerated people, according to WASPC. Thurston County's estimated printing costs would total \$2,500 (\$1,500 for jail voter guides and \$1,000 for posters). The Thurston County Auditor's Office estimated 3 staff positions for each visit, totaling \$3,803.56. They also anticipated making an educational video totaling \$1,000. Thurston County's cost per incarcerated person would be approximately \$55.

The midpoint between Whatcom County and Thurston County's staff costs per incarcerated person is approximately \$56. For illustrative purposes only, if all 39 counties experienced costs that averaged \$56 per incarcerated person, all county auditors' total printing and staffing costs would be \$401,912. Note: this is for illustrative purposes only. Actual costs cannot

be predicted. The illustrative estimate uses WASPC's 2021 estimated 7,177 incarcerated people in all county jails x \$56 per person cost).

However, counties may also need to purchase computers and printers, and to set up polling stations within jails. Equipment costs are not known and the equipment required for each jail will vary based on each jail's voting plan. Therefore, equipment costs are indeterminate.

Note: more precise county cost estimates may be available later in 2023 due to a grant program in the 2022 enacted budget, Section 120 (20) - page 37, line 10. \$2,534,000 was allocated to establish a new grant opportunity for county jail voting programs. The grant supported voter registration and voting within county jails, similar to the activities proposed in HB 1174. Each county grantee must submit a postelection report to the Secretary of State by February 1, 2023 detailing the use of grant funding. Postelection reports must be delivered to the Legislature by June 30, 2023.

Regarding jail impacts, Washington Association of Sheriffs and Police Chiefs (WASPC) struggled to find an approximate cost. In conversations with the Secretary of State, WASPC learned the approximate \$2.5 million in grant funding was exclusively for county auditors, not for jails, to implement a substantially similar program in a substantially similar way. WASPC reasoned if the Governor's office estimated it would cost participating county auditors approximately \$2,534,000 to implement this program, then it would cost jails that same amount.

Jails will incur several duties as a result of the legislation, and those duties will likely increase jail expenditures. However, because jail voting plans have not been determined, the amount of work and requisite staff required cannot be predicted. Therefore, the legislation's expenditure impact to jails is indeterminate.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The legislation would have no impact on local government's revenue.

SOURCES:

Office of the Secretary of State

Thurston County Auditor's Office

Washington Association of County Auditors

Whatcom County Auditor's Office