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FISCAL IMPACT STATEMENT

LS 6395

BILL NUMBER: SB 250

NOTE PREPARED: May 6, 2013

BILL AMENDED: Mar 19, 2013

SUBJECT: Petition Carriers.

FIRST AUTHOR: Sen. Walker

FIRST SPONSOR: Rep. Burton

BILL STATUS: Enrolled

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Information on Circulated Petition-* The bill requires an individual who circulates a petition that is required to place a candidate or a public question on the ballot to provide on each signature page of the petition: (1) the individual's identification information; and (2) a signed affirmation, under penalties of perjury, that the individual has no reason to believe that any signer on the page is ineligible to sign the petition or did not properly complete and sign the page. The bill provides that a signature page that does not comply with these requirements must be received for filing and retained as other election materials are retained.

County Voter Registration Office- The bill provides that a county voter registration office (CVRO) does not determine the validity of the signatures on a signature page. The bill requires the office to notify the petition carrier, if the office determines that a signature page submitted by the petition carrier does not comply with this chapter, and to allow certain additions and corrections to the signature page.

Challenges- The bill permits a challenge to the placement on the ballot of a candidate or public question that files signature pages that do not meet these requirements.

Study of Electioneering- The bill requires the Census Data Advisory Committee (CDAC) to study the issue of electioneering at the polls and other places where voting occurs and to make any recommendations for appropriate legislation.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Challenges-* This provision could increase the number of ballot petition

challenges for a candidate for a state, legislative, or federal office. Any action taken by the Election Commission would depend on the additional number of challenge affidavits received by the Election Division, due to the bill.

Penalty Provision: Perjury is a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon 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 \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Study of Electioneering- The CDAC regularly meets during legislative interims. It is likely that the additional study topic would be able to be incorporated into the regularly scheduled meetings of the CDAC.

Background- Under current law, a challenge of a candidate's ballot placement eligibility must be made within 74 days of the general election that the office is to be elected. The Election Commission is required to meet to hear the challenge within three days of the reception of the challenge. The Commission must then render a decision within one day of the completion of the hearing. If the Commission does not render a decision, then the matter is considered dismissed.

Persons may appeal a decision of the Commission to the Court of Appeals. However, if the appeal is not completed within 60 days of the general election, the challenge is terminated.

Explanation of State Revenues: *Penalty Provision:* 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 Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *County Voter Registration Office-* This provision would increase administrative time necessary to conduct business for CVROs to contact petition holders regarding signature pages that do not have the proper information filled in and to receive corrections to signature pages from the petition holders.

Challenges- This provision could increase the number of ballot challenges involving a candidate for local office. Any additional action taken by the county election board would depend on the number of additional sworn affidavits received by the county election board due to this provision.

Penalty Provision: 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: *Penalty Provision:* 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.

State Agencies Affected: Department of Correction, Indiana Election Division, Indiana Election Commission.

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

Information Sources:

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