



**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.*

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**Bill Number:** H. 3823    Introduced on January 26, 2023  
**Author:** Pedalino  
**Subject:** Absentee Ballots, Witnesses  
**Requestor:** House Judiciary  
**RFA Analyst(s):** Miller  
**Impact Date:** April 10, 2023

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### **Fiscal Impact Summary**

This bill establishes that it is unlawful for a person to witness the signature of more than five absentee ballot applications in a single election. A person who violates this is subject to a felony charge with a fine between \$100 and \$1,000 and/or up to five years imprisonment.

This bill will have no expenditure impact for the State Election Commission (SEC), Judicial, the Commission on Indigent Defense (CID), the Commission on Prosecution Coordination (CPC), or the Department of Corrections (Corrections). SEC, Judicial, CID, and CPC, all anticipate being able to manage any additional responsibilities of this bill with existing staff and within existing appropriations. Additionally, Corrections reports the annual total cost per inmate in FY 2021-22 was \$32,247, of which \$30,044 was state funded, and the marginal cost per inmate was \$4,836, of which \$4,830 was state funded. However, Corrections anticipates being able to manage any change in the inmate population due to this bill with existing staff and within existing appropriations.

This bill may result in an increase in the fines and fees collected in court due to the newly created felony. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in an undetermined increase to General Fund revenue, Other Funds revenue, and local revenue due to the increase in fines and fees collections in court.

### **Explanation of Fiscal Impact**

#### **Introduced on January 26, 2023**

#### **State Expenditure**

This bill establishes that it is unlawful for a person to witness the signature of more than five absentee ballot applications in a single election. A person who violates this is subject to a felony charge with a fine between \$100 and \$1,000 and/or up to five years imprisonment.

This bill creates a new felony offense related to witnessing absentee ballots. SEC anticipates that any increase in responsibilities related to elections created by this bill can be managed within existing appropriations. Therefore, this bill will have no expenditure impact for SEC.

Additionally, this bill may increase the number of actions filed in court and the caseload for the CID and CPC. As this is a new felony, no data are available to estimate the potential increase in caseloads. However, Judicial, CID, and CPC anticipate that any increase in the caseload due to this bill can be managed with existing resources. Therefore, this bill will have no expenditure impact for Judicial, CID, or CPC.

Further, this newly created felony includes a potential penalty of up to five years imprisonment. Depending upon the number of convictions and potential imprisonments for this newly created felony, this bill may increase the inmate population housed by Corrections. The agency reports the annual total cost per inmate in FY 2021-22 was \$32,247, of which \$30,044 was state funded, and the marginal cost per inmate was \$4,836, of which \$4,830 was state funded. However, Corrections anticipates being able to manage any change in the inmate population due to this bill with existing staff and within existing appropriations.

### **State Revenue**

This bill creates a new felony offense which, upon conviction, may include a fine between \$100 and \$1,000. This may result in an increase 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 increase to General Fund revenue and Other Funds revenue due to the increase in fines and fees collections in court.

### **Local Expenditure**

N/A

### **Local Revenue**

This bill creates a new felony offense which, upon conviction, may include a fine between \$100 and \$1,000. This may result in an increase 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 increase to local revenue due to the increase in fines and fees collections in court.



Frank A. Rainwater, Executive Director