

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 46 – SB 761

February 19, 2019

SUMMARY OF BILL: Requires a county election commission office, or another polling place designated by such commission, to be open for a minimum of three consecutive hours on Sundays between the hours of 8:00 a.m. and 6:00 p.m. during an early voting period.

Requires that every county election commission, rather than just only those counties with a population exceeding 150,000, to have extended hours during early voting periods on at least three days between 4:30 p.m. and 7:00 p.m., and be open at least one Saturday from 8:00 a.m. to 4:00 p.m., and requires all counties to be open for at least one Sunday between 8:00 a.m. and 4:00 p.m. in the election for the following offices: gubernatorial, state office, and congressional.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures –

Exceeds \$193,300/FY19-20 and Every Four Years Thereafter

Increase Local Expenditures –

Exceeds \$386,500/FY20-21 and Every Two Years Thereafter*

Exceeds \$193,300/FY21-22 and Every Four Years Thereafter*

Assumptions:

- According to the 2010 federal census, there are currently nine counties whose population exceeds 150,000.
- This legislation will require the remaining 86 counties (95 - 9) to open polling locations at various times and will require the nine counties to open on at least one Sunday during early voting from 8 a.m. to 4 p.m.
- Pursuant to Tenn. Code Ann. § 2-6-102, the early voting period begins 20 days prior to an election.
- Currently, pursuant to Tenn. Code Ann. § 2-6-103(a)(1), the county election commission office, or another polling place designated by the county election commission, is required to be open a minimum of three consecutive hours each weekday, including Saturday, between the hours of 8:00 a.m. and 6:00 p.m. during the early voting period.
- According to the SOS, on average, polling places are usually open from 8 a.m. to 12 p.m. (4 hours) on weekdays, including Saturday, as required.

- This legislation will require all counties open polling places on each day of the week, expanding to include Sunday, on which such polling places must be open at least three consecutive hours each weekday between the hours of 8:00 a.m. and 6:00 p.m.
- Assuming that polling places will be open from 8 a.m. to 12 p.m., similar to their hours on all other days, this will result in an additional 8 hours in open polling times (2 Sundays x 4 hours).
- This legislation will require that all counties open polling locations between 4:30 p.m. to 7 p.m. (2.5 hours) on at least three days during the early voting period.
- This will result in an additional 7.5 hours in open polling times (3 days x 2.5 hours).
- This legislation will require that all counties open polling locations on at least one Saturday and at least one Sunday between 8 a.m. to 4 p.m., for an additional 8 hours.
- These polling locations would have been open on Saturday from 8 a.m. to 12 p.m. (4 hours) anyway. As aforementioned, such polling locations will be open from 8 a.m. to 12 p.m., as required by this legislation.
- This will result in an additional 8 hours on one Saturday and one Sunday [(1 Saturday + 1 Sunday) x 4 hours].
- Nine counties with population in excess of 150,000 will be required to open polling locations on at least one Sunday from 8 a.m. to 4 p.m. This will result in an additional 8 hours.
- Total additional polling times equal to 23.5 hours for counties with population under 150,000 (8 hours + 7.5 hours + 8 hours) and 8 hours for counties with population in excess of 150,000.
- According to the SOS, workers at the polls make \$10 per hour on average.
- According to the SOS, there are 6 workers per poll on average. This is assumed to not apply to counties whose population exceeded 150,000 according to the 2010 census. For such counties, it is assumed there are 100 workers per poll on average.
- Pursuant to Tenn. Code Ann. § 2-12-108, counties pay the wages for county election commission members.
- A recurring increase in local expenditures of \$193,260 [(23.5 hours x 86 counties x 6 workers x \$10 per worker) + (8 hours x 9 counties x 100 workers x \$10)] per election cycle.
- In years with a Presidential Preference Primary, the state will be responsible for such costs; therefore in FY19-20 and every four years thereafter there will be an increase in state expenditures estimated to exceed \$193,260 for additional staff.
- In FY20-21 and every two years thereafter, there will be a mandatory increase in local expenditures estimated to exceed \$386,520 (\$193,260 per election cycle x 2 election cycles) for the August primary and November general elections; and in FY21-22 and every four years thereafter, there will be a mandatory increase in local expenditures estimated to exceed \$193,260.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jdb