



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0533 Introduced on March 9, 2017
Author: Fanning
Subject: Elected Position Vacancy due to Conviction
Requestor: Senate Judiciary
RFA Analyst(s): Kokolis, Gardner and Heineman
Impact Date: May 3, 2017

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	Undetermined	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	Undetermined	\$0

Fiscal Impact Summary

This bill may result in revenue to the General Fund or local governments, depending upon the actual cost of a particular election and the ability to recover funds from convicted officials. This bill will have no expenditure impact on the General Fund or local governments as state and local authorities are expected to continue to incur the costs of holding elections before reimbursement.

Explanation of Fiscal Impact

Introduced on March 9, 2017

State Expenditure

This bill requires an elected public official, whose office is declared vacant due to a criminal conviction, to reimburse the appropriate elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election necessitated by the official's removal from office. The Attorney General or circuit solicitor, as relevant, is required to ask the presiding judge to include an order requiring the convicted official to pay the appropriate elections authority for the actual costs of holding the election, and the presiding state judge is authorized to enter such an order.

Election Commission. The Election Commission reimburses county election authorities for the cost of special primaries, any resulting primary runoffs, and special elections for the General Assembly, Congress, and countywide offices, and less-than-countywide offices such as county council, school board, and special purpose district. The commission's costs vary depending upon the office and election. Based on historical data, the commission's costs for elections to General Assembly and Congressional offices are as follows:

Office	Primary	Runoff	Special	Total
State House	\$14,000	\$7,000	\$14,000	\$35,000
State Senate	\$45,000	\$17,000	\$24,000	\$86,000
Congressional	\$225,000	\$125,000	\$150,000	\$500,000

The commission's cost for special primaries and subsequent runoffs for countywide and less-than-countywide offices varies widely and therefore, cannot be accurately estimated.

Although this bill requires convicted officials to pay the actual costs of holding a special primary, subsequent runoff, or special election necessitated by their removal from office, the commission will continue to incur expenditures for those elections it reimburses. As a result, this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds, but it may produce revenue to offset the expenditure as discussed below.

Attorney General. The department indicates this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds. The department does not anticipate a need for additional resources to comply with the bill.

State Revenue

This bill requires convicted officials to pay the actual costs of holding a special primary, subsequent runoff, or special election necessitated by the official's removal from office due to a criminal conviction. Such payment to reimburse the state Election Commission would constitute state revenue.

The amount of payment depends upon the actual cost of conducting the relevant election, which varies by office and type of election. The amount will also depend on the sum that can actually be recovered from the convicted official. Because the amount the state may receive depends on a number of contingencies, including the conviction of an elected official during his term of office, the revenue impact of this bill is undetermined.

Local Expenditure

Local authorities bear the costs associated with municipal elections and special elections for countywide and less-than-countywide offices. This bill requires any official whose office is declared vacant due to a criminal conviction to compensate the appropriate state or local election office for the costs of holding elections to fill the vacancy. Consequently, a convicted official holding a municipal, or countywide, or less-than-countywide office would be required to compensate the appropriate local authorities for the actual costs of the relevant elections to fill the vacated office. This compensation would constitute revenue for the municipality or county as discussed below, but it would not eliminate the local authorities' expenditures for holding the election. Therefore, this bill will not have an expenditure impact on local government.

Local Revenue

This bill requires an official holding a municipal, countywide or less-than-countywide office, who vacates the office due to a criminal conviction, to compensate the local authorities for the actual expense of the relevant elections to fill the vacancy. Payment would constitute revenue to the local authorities. Data was requested from 26 counties and the Municipal Association of

South Carolina. Dorchester County indicates that it anticipates receiving between \$30,000 and \$60,000 per election. The Municipal Association indicates the impact cannot be estimated because of the range of variables. Other local government responses did not address potential revenue. Due to the lack of data, the local government revenue impact is undetermined.



Frank A. Rainwater, Executive Director