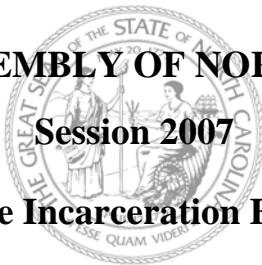


**GENERAL ASSEMBLY OF NORTH CAROLINA**



**Session 2007**

**Legislative Incarceration Fiscal Note**

**(G.S. 120-36.7)**

**BILL NUMBER:** Senate Bill 779 (First Edition)

**SHORT TITLE:** Photo I.D. for Voters.

**SPONSOR(S):** Senator Goodall

	<b>FISCAL IMPACT</b>				
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2007-08</u></b>	<b><u>FY 2008-09</u></b>	<b><u>FY 2009-10</u></b>	<b><u>FY 2010-11</u></b>	<b><u>FY 2011-12</u></b>
<b>GENERAL FUND</b>					
<b>Correction</b>	<b>Amount cannot be determined. See Assumptions and Methodology.</b>				
<b>Judicial</b>					
<b>DMV /</b>					
<b>Highway Fund</b>	-	-	-	-	-
<b>State Board of Elections</b>	\$1,434,363				
<b>Local Boards of Elections</b>		<b>Minimal Cost. See A &amp; M.</b>			
<b>TOTAL EXPENDITURES:</b>					
<b>REVENUES:</b>					
<b>Highway Fund</b>	(\$0- \$1,396,015)	(\$0- \$2,792,030)	(\$0- \$2,792,030)	(\$0- \$2,792,030)	(\$0-\$2,792,030)
<b>ADDITIONAL PRISON BEDS: (cumulative)*</b>	<b>Amount cannot be determined.</b>				
<b>POSITIONS: (cumulative)</b>					
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>	Department of Correction; Judicial Branch; State Board of Elections; Local Boards of Elections.				
<b>EFFECTIVE DATE:</b>	January 1, 2008.				
<i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>					

**BILL SUMMARY:** Amends G.S. 163-166.12 to require voters, including those voting at a one-stop site, to present photo identification as proof of identity. Allows voters that do not present proof of identification to vote a provisional ballot, to be counted when the voter's identity is verified. Also allows indigent voters who cannot obtain proof of identification without paying a fee to submit a certification of their identity and vote a provisional ballot; *creates a new Class F felony offense for false certification.* Limits identification exemptions to voters mailing in absentee ballots. Amends G.S. 163-166.7A to require the posting at each voting location of a statement that proof of identification is required and a list of acceptable identification. Amends G.S. 163-82.3 to require voter application forms to include a statement about the photo identification requirement. Amends G.S. 20-37.7 to expand the fee waiver for a special identification card from the homeless to those who cannot afford the fee. Makes conforming and technical changes. Effective January 1, 2008.

*Source: Bill Digest (emphasis added)*

**ASSUMPTIONS AND METHODOLOGY:**

Department of Transportation

1. The loss of revenues shows a range of 0-\$2,792,030 since it is unknown how many individuals will request their special identification card for free.
2. It is assumed there will be no additional costs to DMV for administration of the free identification card requirement for the affidavit; however, DMV estimates they will need an additional three full-time equivalent staff to continue to serve the public at the same level of quality (keeping wait times minimized).

State Board of Elections

Due to the new photo identification requirements in this bill, the State Board must mail the 5,516,782 registered voters in North Carolina notices to present a specific form of identification to vote. The cost of mailing a postcard notice is \$0.26. The printing costs and the costs of the actual postcard are negligible and can be absorbed within existing resources. The cost of the mailing is approximately \$1,434,363.

**Voter Education Costs**

<i>Direct Mail</i>	Number of Registered Voters	Cost mailing	per	Total cost
	5,516,782	\$0.26		\$1,434,363
	Total Voter Education Costs			\$1,434,363

Local Boards of Elections

This bill requires local boards of election to identify voters using provisional ballots. As a result, local boards may need additional personnel in order to verify the voter eligibility in a timely manner. Costs to local boards cannot be estimated but should be minimal.

**Criminal Offense:** G.S. 163-166.12(c1) permits persons who are indigent, and could not obtain proof of identification without payment of fee or other cost, to vote a provisional official ballot and sign a certification of both of the following.

- 1) The voter is the same individual who went to the voting place and cast the provisional official ballot.

- 2) At least one of the following is true:
  - a. The voter is indigent and unable to obtain proof of identification without the payment of a fee or other cost.
  - b. The voter has a religious objection to being photographed.

Subsection (c1) also makes it a Class F felony for a voter to sign a certification under the subsection, knowing the information to be false.

Because this is a new offense, there is no historical data from which to project future violation. *However, given current Courts and Corrections resources, any resultant charge or conviction will generate some additional fiscal impact.*

### **Department of Correction – Division of Prisons**

Based on the most recent prison population projections and estimated available bed capacity, *there are no surplus prison beds available over the immediate five-year horizon or beyond.*<sup>1</sup> Therefore, any new felony conviction that results in an active sentence will require an additional prison bed.

FY 2005-06, 47% of Class F felony convictions were given active sentences, with an average estimated time served of 20 months. For illustration purposes, if two Class F convictions were to occur annually, *the combination of active sentences and probation revocations would require one additional prison bed in the first applicable year; three additional beds in the second year; and one new employee in the second year.*

Assuming these thresholds and inmate assignment to medium custody, the construction of three additional prison beds within a new, stand alone facility could cost the State \$204,120 in FY 2007-08; conversely, bed construction within an add-on facility could cost approximately \$126,360.<sup>2</sup> These costs are attributed to FY 2007-08 since the construction of additional prison beds, whether within an add-on or stand-alone facility, requires budgeting at least three years in advance. Potential operating costs could total \$87,293 by FY 2009-10.<sup>3</sup>

### **Department of Correction – Division of Community Corrections**

In FY 2005-06, 53% of Class F felony convictions resulted in either intermediate or community punishments, predominately special, intensive, or general supervision probation. It is not known how many offenders would be sentenced to intermediate or community punishments, to which type, or for how long.

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<sup>1</sup> The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Accordingly, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

<sup>2</sup> New, “stand alone” institution built for Expanded Operating Capacity (EOC); single cells are assumed for close custody, and dormitories are assumed for medium and minimum custody (occupancy no greater than 130% of SOC). “Add-on” facilities (close and medium custody) are built within the perimeter of an existing 1,000-cell Close Security Institution; a minimum custody “add-on” is built adjacent to an existing perimeter. “Add-on” facilities employ the same EOC custody configurations as “stand alone” (i.e. single cells for close custody, and dorms for medium and minimum custody levels).

<sup>3</sup> Impact on incarcerated population is assumed for FY 2008-09, given the effective date of January 1, 2008 and typical lag time between charge and conviction (6 months).

Presently, general supervision of intermediate and community offenders by a probation officer costs DCC \$1.96 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. DCC also incurs a daily cost of \$0.69 per offender sentenced to the Community Service Work Program. However, the daily cost per offender on intermediate sanction is much higher, ranging from \$7.71 to \$14.97 depending on the type of sanction. Intensive supervision probation is the most frequently used intermediate sanction, and costs an estimated \$14.97 per offender, per day. On average, intensive supervision lasts six-months, with general supervision assumed for a designated period thereafter.

### **Judicial Branch**

Although the number of resultant charges is unknown, the Administrative Office of the Courts expects that any additional caseload will increase court-time requirements and the associated costs of case disposal. Presently, the estimated costs per Class F felony trial and plea are \$9,902 and \$539, respectively.

**SOURCES OF DATA:** Department of Transportation, Division of Motor Vehicles; State Board of Elections; Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission; and Office of State Construction.

**TECHNICAL CONSIDERATIONS:** None.

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**DATE:** August 1, 2007



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