

OFFICE OF FISCAL ANALYSIS

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sHB-6872

AN ACT CONCERNING FAITHLESS PRESIDENTIAL ELECTORS
AND AUTHORIZING MANDAMUS ACTIONS RELATED TO THE
CERTIFICATION OR DECLARATION OF ELECTION RESULTS.

As Amended by House "A" (LCO 7208)

House Calendar No.: 235

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Comptroller - Adjudicated Claims Account	GF - Potential Cost	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill creates criminal penalties for faithless electors and allows residents of Connecticut to sue certain officials for failing to perform their duties related to elections resulting in the potential costs and revenue gains described below.

Section 1 creates a criminal penalty of up to a \$1,000 fine and up to one year of jail which results in a potential cost for incarceration or probation and a potential revenue gain from fines. On average, the

marginal cost to the state for incarcerating an offender for the year is \$2,500¹ while the average marginal cost for supervision in the community is less than \$800² each year.

Sections 2-6 allows residents of Connecticut to bring legal action to certain officials for failing to perform their duties related to elections which results in a potential future cost to the Office of the State Comptroller- Adjudicated Claims account to the extent that claims against the state are made and are successful. In addition, the bill allows suits to be brought against certain municipal officials. This results in a potential cost to municipalities in the event the claim is successful.

House "A" alters the meeting day of presidential electors and provides a provision that will nullify the criminal penalties that apply to faithless presidential electors if the presidential election moves to a popular vote.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenses and cases.

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.