151st GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE SUBSTITUTE NO. 1 to HOUSE BILL NO. 288**
AS AMENDED BY:	**HA 1**
SPONSOR:	**Representative Morrison**
DESCRIPTION:	**AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYER PAID TIME OFF TO VOTE.**

Assumptions:

1. This Act becomes effective upon signature by the Governor. Upon signature, provisions affecting employers take effect upon promulgation of regulations adopted by the Department of Labor or one year after enactment, whichever occurs first.

2. This Act requires employers in the State to give any employee who is scheduled to work at least 7.5 hours on an election day 2 hours of paid leave for the employee to exercise the right to vote if the employee does not have 2 consecutive nonworking hours in the period between the opening and closing of the polls. For the purposes of this bill, "election" means any municipal, county, state, or federal general election, political primary election, or public-school election held in Delaware.

3. Upon implementation, state agencies may accrue overtime costs due to required coverage for those employees taking leave who are employed in agencies providing 24/7 services, including Delaware State Police, Department of Correction, Department of Services for Children, Youth and their Families, Department of Natural Resources and Environmental Control, Capitol Police, and the State's long-term care facilities.

4. This analysis assumes an employee would vote in one election per year, two in a general election year. This analysis also assumes an average of 40% voter participation among state employees in the various elections and 40% of employees who vote will take advantage of the leave.

5. This analysis assumes poll hours during an election are open from 7 AM – 8 PM. Therefore, the shifts for which leave may be provided would only be those 12-hour shifts commencing between the hours of 7 AM up to but not including 9 AM. The resulting overtime costs are assumed to be indeterminable but insignificant.

6. The Department of Labor is charged with the administration and enforcement of the provisions of this Act. The Department estimates the need for 1.0 FTE, Labor Law Enforcement Officer, to enforce these provisions. The estimated annual personnel costs of this position are $69,426, including other employment costs. Fiscal Year 2023 costs assume three months of personnel costs at $17,356

Cost:

Fiscal Year 2023: $17,356
Fiscal Year 2024: $69,426
Fiscal Year 2025: $69,426

Prepared by Robert Scoglietti
Office of the Controller General