153rd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 444**
AS AMENDED BY:	**HOUSE AMENDMENT NO. 1**
SPONSOR:	**Representative Lambert**
DESCRIPTION:	**AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO THE DELAWARE JOHN LEWIS VOTING RIGHTS ACT.**

Assumptions:

1. This Act becomes effective upon signature of the Governor. Upon signature of the Governor, this Act takes effect on July 1, 2027.

2. This Act, known as the Delaware John Lewis Voting Rights Act, protects voters from discrimination, voter suppression, vote dilution, intimidation, deception, and language access barriers in elections.

3. This Act expands the duties and responsibilities of the Department of Elections (Elections) as follows:
    a. Develop and adopt regulations establishing the language-access review and petition process.
    b. Annually analyze Census and other demographic data to determine where language assistance is required.
    c. Publish and maintain annual language assistance determinations.
    d. Review petitions from voters and organizations requesting additional language designations.

4. Elections anticipates the need for 1.0 FTE Deputy Attorney General (DAG) to provide legal support related to the implementation of this Act, including the review and response to pre-suit notice letters, defense of claims alleging voter suppression, vote dilution, or language-assistance violations, and representation in any resulting administrative or judicial proceedings. Additionally, contractual costs associated with language-access services to include material translation, and live translation needs will be necessary. The Fiscal Year 2028 costs are estimated at $243,578, and one-time costs are estimated at $7,300, and are as follows:
    a. Recurring Costs – $243,578
        i. $166,998 in the Fiscal Year 2028 Personnel Costs (9 months of funding), including OECs at 33.41%, for 1.0 FTE, DAG.
        ii. $1,580 for projected contractual service needs relating to the Department of Technology and Information Secure End User Services (SUES) Costs and the Department of Human Resources eSTAR timekeeping costs, and supplies and materials needs relating to the establishment of the new position.
        iii. $75,000 for projected contractual service needs relating to the language access services provisions of this Act.
    b. One-Time Costs - $7,300 for computer and technology equipment, and office furniture startup costs for the new position.

5. The Fiscal Year 2028 personnel costs have been estimated for nine months of funding, with the annualization of the remaining three months incorporated into subsequent year estimates. Additionally, a 9% inflation factor has been included to account for projected collective bargaining in salary, health insurance, and OECs.

6. This Act provides additional opportunities to bring forth legal challenges to election laws and practices from either organizations or the Attorney General. Further, among its provisions, it provides for the recovery of attorney's fees, litigation costs, and certain expert and demographic analysis costs.

    a. The Department of Elections estimates that these actions could cost $180,000 in various legal fees per election cycle. The Department of Justice anticipates increased expenditures associated with both defensive litigation and actions brought forth by the Attorney General under this Act. The Department estimates that expert witness services and statistical analyses could cost approximately $100,000 per major voting-rights lawsuit; however, actual costs may vary significantly depending on the number of actions filed, the complexity and duration of litigation, and any attorneys' fees and costs awarded by the courts. Based on current assumptions, the Department estimates an annual fiscal impact of approximately $500,000.

    b. For purposes of this fiscal projection, the number of legal actions filed and their complexity is unknown, and the outcome of these legal actions is also unknown; therefore, these legal costs are indeterminable. It is assumed that costs associated with these actions would be disbursed from the State's Legal Fees appropriation held in the Office of Management and Budget.

Cost:

	Operating/Recurring	**One-Time Costs**	**Legal Fees**
Fiscal Year 2027:	N/A	N/A	N/A
Fiscal Year 2028:	$243,578	$7,300	Indeterminable
Fiscal Year 2029:	$319,283		Indeterminable

Prepared by Julie Fedele
Office of the Controller General