

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

LR No.: 1593-01  
Bill No.: SB 389  
Subject: Elections: Crimes and Punishment  
Type: Original  
Date: March 4, 2005

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials of the **Office of Secretary of State - Elections Division** assume no fiscal impact.

Officials of the **Office of State Public Defender** assume no fiscal impact.

Officials of the **Office of State Courts Administrator** assume no fiscal impact on the Courts.

Officials of the Office of Attorney General, Department of Corrections, and Office of Prosecution Services did not respond. **Oversight assumes substantial compliance with this law and expects no fiscal impact to state or local governments.**

<b><u>FISCAL IMPACT - State Government</u></b>	<b>FY 2006 (10 Mo.)</b>	<b>FY 2007</b>	<b>FY 2008</b>
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act creates a new Class 3 election offense for using a wireless electronic recording device to record the content of a voted ballot to any unauthorized person or destination. An offender shall be punished by imprisonment of not more than one year or by a fine of not more than \$2,500, or both. As a Class 3 election offense, this shall be considered a misdemeanor connected with the exercise of the right of suffrage.

In addition, the act creates a new Class 4 election offense for a voter to use a wireless electronic recording device in a polling place with the intent of giving or receiving information on how the voter is about to vote or has voted. An offender shall be punished by imprisonment of not more than one year or by a fine of not more than \$2,500, or both. As a Class 4 election offense, this shall not be considered a misdemeanor connected with the exercise of the right of suffrage.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Secretary of State  
Office of State Courts Administrator  
Office of State Public Defender

LR No. 1593-01  
Bill No. SB 389  
Page 4 of 4  
March 4, 2005

NOT RESPONDING

Department of Corrections  
Office of Attorney General  
Office of Prosecution Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
March 4, 2005