

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0859-02
Bill No.: Perfected HCS for HB 228
Subject: Elections; Political Parties; Secretary of State
Type: Original
Date: April 22, 2009

Bill Summary: This proposal changes the laws regarding petition circulators.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	\$0	\$17,000	\$0
Total Estimated Net Effect on General Revenue Fund	\$0	\$17,000	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Courts Administrator** assume that there is no fiscal impact from this proposal.

In response to the previous version of this bill, officials at the **Office of the Secretary of State** and the **Office of Prosecution Services** stated that there is no fiscal impact from this proposal.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2008 average \$15.64 per inmate, per day or an annual cost of \$5,709) or through supervision provided by the Board of Probation and Parole (FY 2008 average \$2.47 per offender, per day or an annual cost of \$902).

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with petition or election crimes which would be new misdemeanors.

ASSUMPTION (continued)

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Amendment 1

Oversight assumes this language explains how taxing authorities can place tax rate changes on the ballot. Oversight assumes no fiscal impact from this language.

Amendment 2

In response to similar legislation filed this year, officials at the **Office of the Secretary of State (SOS)** assume this could generate up to \$17,000 to be deposited into the state's general revenue fund. Based on the 2008 initiative petition process, 55 petitions were submitted to the SOS, 18 were withdrawn, and 3 were certified as sufficient for the 2008 general election ballot.

55 petitions submitted-18 withdrawn= 37 deposits

37 deposits - 3 petitions certified for the ballot=34 deposits forfeited

34 forfeited deposits x \$ 500= \$17,000 deposited to state's general revenue fund

Oversight assumes that the constitutional amendment petitions, statutory initiative petitions and referendum petitions can only be placed on a general election ballot. Therefore the November 2010 general election in FY 2011 is the only election effected by the legislation for the time period covered by this fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE			
<u>Revenue</u> - Secretary of State petition deposit	<u>\$0</u>	<u>\$17,000</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>\$17,000</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2010 (10 Mo.)	 FY 2011	 FY 2012
	<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.

FISCAL DESCRIPTION

This bill changes the laws regarding initiative and referendum petitions. In its main provisions, the bill:

- (1) Requires petition circulators to be residents of Missouri;
- (2) Prohibits individuals who have been convicted of, found guilty of, or pled guilty to a forgery offense from serving as petition circulators;
- (3) Prohibits petition circulators from being compensated based on the number of signatures collected;
- (4) Specifies that anyone who knowingly signs a name other than his or her own to a petition will be guilty of a class one election offense; and
- (5) Imposes a \$500 deposit fee for the submission of a sample sheet required to be filed with the Office of the Secretary of State prior to the circulation for signatures for petitions. Upon the certification of a proposed measure as having a sufficient number of signatures, the deposit must be immediately refunded. If the ballot measure is not certified for the general election, the

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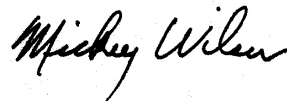
FISCAL DESCRIPTION (continued)

deposit will be forfeited and deposited into the General Revenue Fund.

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 the State Courts Administrator
Office of the State Public Defender
Office of the Secretary of State
Department of Corrections
Office of the Attorney General
Office of Prosecution Services



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Director
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