

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0039-01  
Bill No.: HB 110  
Subject: Attorney General; State; Elections; Governor and Lieutenant Governor; Secretary of State  
Type: Original  
Date: January 14, 2013

Bill Summary: This proposal fills a vacancy in the office of the United States Senator, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, or State Treasurer by appointment by the Governor or special election.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>                   |                                    |            |            |
|---|------------------------------------|------------|------------|
| FUND AFFECTED   | FY 2014                            | FY 2015    | FY 2016    |
| General Revenue   | (More than<br>\$7,100,000)         | \$0        | \$0        |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue<br/>Fund</b> | <b>(More than<br/>\$7,100,000)</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>                      |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2014    | FY 2015    | FY 2016    |
| <b>Total Estimated<br/>Net Effect on <u>Other</u><br/>State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2014</b> | <b>FY 2015</b> | <b>FY 2016</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 FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2014</b> | <b>FY 2015</b> | <b>FY 2016</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0</b>       | <b>0</b>       | <b>0</b>       |

- 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).

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2014</b> | <b>FY 2015</b> | <b>FY 2016</b> |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the Secretary of State (SOS)** explained that each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

The SOS is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. Funding for this item is adjusted each year depending upon the election cycle with \$1.3 million historically appropriated in odd numbered fiscal years and \$100,000 appropriated in even numbered fiscal years to meet these requirements. The appropriation has historically been an estimated appropriation because the final cost is dependent upon the number of ballot measures approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2013, at the August and November elections, there were 5 statewide Constitutional Amendments or ballot propositions that cost \$2.17 million to publish (an average of \$434,000 per issue). Therefore, the SOS assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. However, because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of our publishing requirements if the Governor and the General Assembly change the amount or eliminate the estimated nature of our appropriation.

Unless a special election is called for the purpose, Joint Resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a Joint Resolution to a vote of the people, section 115.063.2, RSMo, requires the state to pay the costs. The cost of the special election has been estimated to be \$7.1 million based on the cost of the 2012 Presidential Preference Primary.

**Oversight** has reflected in this fiscal note, the state reimbursing local political subdivisions the cost of having this constitutional change voted on during a special election in November, 2013, since there is no General Election scheduled for that time. This reflects the decision made by the Joint Committee on Legislative Research, that the potential cost of elections should be reflected in the fiscal note. The next scheduled general election is in November 2014 (FY 2015).

ASSUMPTION (continued)

Officials from the **Governor's Office** assume there should be no added cost to their office as a result of this measure.

Officials from the **Attorney General's Office** assume any potential cost arising from this proposal can be absorbed with existing resources.

Officials from the **Office of the State Auditor** and **Office of the State Treasurer** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Lieutenant Governor's Office** did not respond to our request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u>  | FY 2014<br>(10 Mo.)                       | FY 2015           | FY 2016           |
|--|---|-------------------|-------------------|
| <b>GENERAL REVENUE</b>   |   |                   |                   |
| <u>Transfer Out</u> - Office of the Secretary of State - reimbursement of local election authorities for election costs for a November 2013 election | (More than<br><u>\$7,100,000</u> )        | <u>\$0</u>        | <u>\$0</u>        |
| <b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>  | <b>(More than<br/><u>\$7,100,000</u>)</b> | <b><u>\$0</u></b> | <b><u>\$0</u></b> |
|  |   |                   |                   |
| <u>FISCAL IMPACT - Local Government</u>  | FY 2014<br>(10 Mo.)                       | FY 2015           | FY 2016           |
| <b>LOCAL ELECTION AUTHORITIES</b>  |   |                   |                   |
| <u>Transfer In</u> - Cost reimbursement from the State for special election  | More than<br>\$7,100,000                  | \$0               | \$0               |
| <u>Expense</u> - Cost for special election   | (More than<br><u>\$7,100,000</u> )        | <u>\$0</u>        | <u>\$0</u>        |
| <b>ESTIMATED NET EFFECT TO LOCAL ELECTION AUTHORITIES</b>  | <b><u>\$0</u></b>                         | <b><u>\$0</u></b> | <b><u>\$0</u></b> |

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, the Office of United States Senator and most statewide offices, except for the Office of Governor, may be filled by a gubernatorial appointment when there is a vacancy. This proposal specifies that when there is a vacancy in the office of United States Senator, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, or State Treasurer, the Governor must immediately appoint an acting officer until a successor is elected at the next scheduled election for that office or at a special election under specified conditions. No person appointed by the Governor can be eligible to be a candidate for the office to which he or she was appointed in the immediately following election for the office but may be a candidate for that office after one intervening election has been held. In the case of an impeachment trial for these offices, the acting officer will supervise these offices until a final determination is made, and there is either a reinstatement or the special election winner takes office. The proposal contains a referendum clause and must be submitted to the qualified voters for approval or rejection in November 2013.

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 Governor  
Office of the Secretary of State  
Office of the State Auditor  
Office of the State Treasurer  
Attorney General's Office

NOT RESPONDING

Lieutenant Governor's Office

---



Ross Strope

L.R. No. 0039-01  
Bill No. HB 110  
Page 6 of 6  
January 14, 2013

Acting Director  
January 14, 2013

KC:LR:OD