

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0321-09
Bill No.: HCS for HB 117
Subject: Elections; Constitutional Amendments; Secretary of State
Type: Original
Date: February 20, 2013

Bill Summary: This proposal establishes petition circulator and sponsoring signature requirements and duties for the Secretary of State regarding such petitions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

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

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume this proposal requires the SOS to post a petition sample along with the full text of the proposed measure on its website within two business days of receipt of the petition sample. This would cause a significant increase in web developer time dealing with petitions. This is because currently only petitions approved for circulation are posted whereas, this bill would require all submitted sample petitions to be posted. There were 80 petition samples submitted in the 2012 fiscal year. Based on the 2012 fiscal year this will cost at least

Approximate time to post a petition to the SOS website: One hour.
Anticipated number of sample petitions per fiscal year (based on FY 2012): 80
Anticipated number of rejected and withdrawn petitions per FY (based on FY 2012): 20
Per-hour web developer cost: \$31.49
Cost per fiscal year: $(\$31.49 \times 80) + (\$31.49 \times 20) = \$3,149$

This proposal will reduce the time allowed for SOS to review submitted petition sample sheets as to form by 15 days. This reduction will require an additional staff attorney, costing the state at least \$45,000 to be able to meet the new time constraint.

This proposal will require SOS to develop a web system able of accepting public comments for 15 days after a sample petition is approved to form. It is expected to take one technical resource FTE at least 48 hours being paid \$30.25 an hour resulting in a cost to the state of \$1,798 to develop a web system to comply with this proposal.

Oversight assumes SOS could absorb the review of submitted petition sample sheets with existing resources. Should the number of petition sample sheets reach the number for a new FTE the new FTE could be sought through the appropriation process.

Oversight assumes SOS could absorb the cost of posting information on the website with existing resources.

Officials at **Buchanan County, Department of Corrections, Kansas City Board of Election Commission, Legislative Research, Missouri Ethics Commission, Office of State Courts Administrator, Office of the State Auditor** and the **Platte County Board of Election Commission** each assume there is no fiscal impact on their organization from this proposal.

ASSUMPTION (continued)

Officials at the **Office of Attorney General (AGO)** assume they represent the SOS in litigation related to initiative petition ballot issues. The AGO assume that any potential costs resulting from this proposal could be absorbed with existing resources, but if multiple proposals pass or significant litigation results, AGO may seek an additional future appropriation.

Officials at the **Office of Prosecution Services** assume no impact on their organization; however, the creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

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

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 effective representation.

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

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 2012 average \$17,059 per inmate, per day or an annual cost of \$6,227) or through supervision provided by the Board of Probation and Parole (FY 2012 average \$4,960 per offender, per day or an annual cost of \$1,810).

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.

ASSUMPTION (continued)

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.

Officials from the **SOS** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the following board of election commissions: St. Louis City Board of Election Commission, Clay County Board of Election Commission, Jackson County Board of Election Commission and St. Louis County Board of Election Commission did not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Audrain, Barry, Bates, Boone, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cole, Cooper, DeKalb, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Marion, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, St. Charles, St. Louis, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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

The proposed legislation appears to have no direct fiscal impact.

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

Buchanan County
Department of Corrections
Kansas City Board of Election Commission
Legislative Research
Missouri Ethics Commission
Office of Attorney General
Office of Prosecution Services
Office of the Secretary of State
Office of State Courts Administrator
Office of the State Auditor
Office of the State Public Defender
Platte County Board of Election Commission



Ross Strope

L.R. No. 0321-09
Bill No. HCS for HB 117
Page 7 of 7
February 20, 2013

Acting Director
February 20, 2013

JH:LR:OD