

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4865-02
Bill No.: SJR 39
Subject: Boards; Commissions; Committees; Councils; Constitutional Amendments;
 Courts; Elections; General Assembly; Governor and Lieutenant Governor; Public
 Records, Public Meetings; Redistricting; Secretary of State
Type: Original
Date: February 14, 2014

Bill Summary: This proposal changes the procedures for the redistricting of the state Senate and House of Representatives districts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	\$0 or (More than \$7,100,000)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund*	\$0 or (More than \$7,100,000)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume 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.

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, subsection 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. This figure was determined through analyzing and totaling expense reports from the 2012 Presidential Preference Primary received from local election authorities.

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 sections 116.230-116.290, RSMo. SOS 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, we reserve 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.

ASSUMPTION (continued)

Oversight has reflected in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2015. This reflects the decision made by the Joint Committee on Legislative Research, that the cost of the elections should be shown in the fiscal note. The next scheduled general election is in November 2014 (FY 2015). It is assumed the subject within this proposal could be on that ballot; however, it could also be on a special election called for by the Governor. Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2015.

Officials from the **Missouri House of Representatives**, the **Missouri Senate**, the **Office of Administration**, and the **City of Kansas City** each assume the proposal will have no fiscal impact on their respective organizations.

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

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

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
GENERAL REVENUE			
<u>Transfer Out</u> - Office of the Secretary of State - reimbursement of local election authorities for election costs if a special election is called	\$0 or (More than <u>\$7,100,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND*	\$0 or (More than <u>\$7,100,000</u>)	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
LOCAL ELECTION AUTHORITIES			
<u>Transfer In</u> - Cost reimbursement from the State for special election	\$0 or More than \$7,100,000	\$0	\$0
<u>Expense</u> - Cost for special election	\$0 or (More than \$7,100,000)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO LOCAL ELECTION AUTHORITIES	<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 proposed constitutional amendment, if approved by the qualified voters of this state, changes the procedures for the redistricting of the state Senate and House of Representatives districts.

Currently, if a court invalidates a reapportionment or a reapportionment commission stands discharged, a commission of six members appointed by the Supreme Court from among the judges of the appellate courts submit an apportionment map with the Secretary of State within 90 days. This map is then used to elect members of the House of Representatives or Senators. Under this amendment, if a court invalidates a reapportionment or a reapportionment commission stands discharged, a new reapportionment commission is appointed in the same manner as previously appointed and they begin the reapportionment process again.

Currently, any reapportionment commission created under the state Constitution is not considered a public governmental body subject to open meetings laws. Under this amendment, all reapportionment commissions shall be considered a public governmental body and be subject to any general law concerning public meetings and public records. Further, each reapportionment commission is required to hold one or more public hearings on the tentative reapportionment plan to hear testimony of interested persons.

FISCAL DESCRIPTION (continued)

Currently, reapportionment commissioners are barred from holding public office as members of the general assembly for four years following the date of the final plan set forth by the reapportionment commission. This proposed constitutional amendment extends this period to ten years from their date of appointment. This amendment also prohibits members of the general assembly and their employees from serving as reapportionment commissioners.

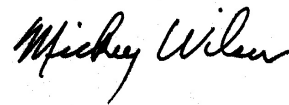
Currently, each member of the General Assembly must be a resident of the county or district from where they are chosen to represent. This amendment requires that each member of the general assembly be from the district from where they are chosen to represent. Further, if any senator or representative move their residence from the district from which they were elected, their elected office shall be vacated. However, the renumbering or realignment of districts shall not be construed as removal of residence. If a reapportionment commission renumbers a district, they must state the reason for doing so in the final statement filed with the Secretary of State.

Currently, Senatorial districts shall be composed of contiguous and compact territory. This amendment also requires that no county lines be crossed except when necessary to add sufficient population to the remainder of a multidistrict county to complete a district which lies partly in the multidistrict county.

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 Secretary of State
Missouri House of Representatives
Missouri Senate
Office of the Governor
Office of Administration
Attorney General's Office
City of Kansas City



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February 14, 2014

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