

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0650-03
Bill No.: SCS for SB 117
Subject: Elections
Type: Original
Date: April 24, 2015

Bill Summary: This proposal modifies the process for selecting candidates for special elections.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|---------------------------------------|---------------------------------------|---------------------------------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| General Revenue | \$0 or (Up to \$2,000,000) | \$0 or (Up to \$2,000,000) | \$0 or (Up to \$2,000,000) |
| Total Estimated Net Effect on General Revenue | \$0 or (Up to \$2,000,000) | \$0 or (Up to \$2,000,000) | \$0 or (Up to \$2,000,000) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| 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 2016 | FY 2017 | FY 2018 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| Local Government* | \$0 | \$0 | \$0 |

* Transfer In - costs net to zero.

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** state that currently, when a vacancy occurs in the offices of U.S. Representative, State Senator and State Representative, the Governor shall without delay issue a writ of election to fill such vacancy. §115.363.5 RSMo states that a party nominating committee may nominate a candidate for an election called to fill a vacancy.

This proposal would replace this nominating process with a separate primary election prior to the special election. This proposal would require candidates to be nominated at a primary election which shall be held on a Tuesday at least forty-five days prior to the date of the special election. It would essentially create an additional election, to select nominees, prior to the special election. Due to the election process, 78 days are needed between the date of the primary election and the date of the special election.

Pursuant to §115.063.2 RSMo, the state is required to pay all costs associated with special elections. Due to the un-predictability of when vacancies may occur and the geographical size of the vacated district, costs associated with this proposal are difficult to estimate. In previous special elections, costs have varied from \$25,000 to \$715,000 per election; however, if there is a statewide vacancy, the cost is \$7.1 million per election. This proposal doubles the cost of each special election due to a primary election for the special election; however, it is possible for primary not to be. It also doubles the length of time needed for the election process because of the addition of a primary election. The Secretary of State assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to adequately fund all special elections.

Oversight received information from SOS that there were six special elections held in FY 2010 at a cost of \$584,912, two special elections held in FY 2011 at a cost of \$204,728, five special elections held in FY 2012 at a cost of \$7,526,430, six special elections held in FY 2013 at a cost of \$1,078,244, and five special elections held in FY 2014 at a cost of \$341,710. The five year average is \$1,947,205.

Oversight will range the fiscal impact from \$0 (no primary special election needed) or Up to the average special election estimate provided by the Office of the Secretary of State (\$2,000,000).

Officials at the **Lincoln County Clerk's Office** assume a cost of approximately \$65,000 per election.

Officials at the **St. Louis County Board of Election Commission** assume costs could range

ASSUMPTION (continued)

from several thousand dollars, for a small local election, to approximately \$1.5 million in the case of a countywide election.

Officials at the **Platte County Board of Election Commission** assume costs could range from \$6,500 for a smaller entity to \$65,000 for a county wide office.

Officials at the **St. Louis City Board of Election Commission** assume no fiscal impact from this proposal to their organization.

Officials at the following boards of election commission: Kansas City Board of Election Commission, Clay County Board of Election Commission, and Jackson County Board of Election Commission not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cole, Cooper, DeKalb,

Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Marion, McDonald, Miller, Moniteau, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, Shelby, 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 2016 (10 Mo.) | FY 2017 | FY 2018 |
|---|--|--|--|
| GENERAL REVENUE | | | |
| <u>Transfer Out</u> - Secretary of State - reimbursement of local election authority primary election costs if a special election is called by the Governor | \$0 or up to <u>(\$2,000,000)</u> | \$0 or up to <u>(\$2,000,000)</u> | \$0 or up to <u>(\$2,000,000)</u> |
| ESTIMATED NET EFFECT ON GENERAL REVENUE | \$0 or up to <u>(\$2,000,000)</u> | \$0 or up to <u>(\$2,000,000)</u> | \$0 or up to <u>(\$2,000,000)</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2016 (10 Mo.) | FY 2017 | FY 2018 |
|--|--------------------------------------|--------------------------------------|--------------------------------------|
| LOCAL ELECTION AUTHORITIES FUND | | | |
| <u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for special election(s) | \$0 or up to \$2,000,000 | \$0 or up to \$2,000,000 | \$0 or up to \$2,000,000 |
| <u>Costs</u> - Local Election Authorities - cost of special election(s) | \$0 or up to <u>(\$2,000,000)</u> | \$0 or up to <u>(\$2,000,000)</u> | \$0 or up to <u>(\$2,000,000)</u> |
| ESTIMATED NET EFFECT ON LOCAL ELECTION AUTHORITIES FUND | <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

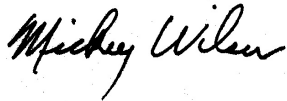
Currently, a political party nominating committee may select a party candidate for election to an office for a special election. This act removes this process and instead requires that a primary election be held for every special election at least 45 days prior to the special election. This act also requires that notice of both the primary and special elections be published with the name of the office to be filled, the dates of the primary and special elections, and the dates by which candidates must be filed for office.

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

L.R. No. 0650-03
Bill No. SCS for SB 117
Page 6 of 6
April 24, 2015

SOURCES OF INFORMATION

Platte County Board of Election Commissions
Lincoln County Clerk's Office
St. Louis County Board of Election Commissions
St. Louis City Board of Election Commission
Office of the Secretary of State



Mickey Wilson, CPA
Director
April 24, 2015

Ross Strobe
Assistant Director
April 24, 2015