

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4708-01
Bill No.: SB 750
Subject: Elections; Secretary of State
Type: Original
Date: January 6, 2016

Bill Summary: This proposal modifies class one election offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$73,986)		
Total Estimated Net Effect on General Revenue	(\$73,986)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
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 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
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 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume this legislation changes the language on the voter registration application by increasing the term of imprisonment to fifteen years and removing the monetary fine. The estimated cost for reprinting voter registration applications is \$73,286.

- NCOA Voter Registration Applications - \$20,000
- CODE 2 Voter Registration Applications for Social Services - \$39,000 for 800,000 cards to replace current stock at social services.
- PC Voter Registration Applications - \$7,143 for 100,000 cards - will need double printing to replace cards at each Local Election Authority (LEA): \$14,286

The estimated cost for mailing voter registration applications to LEAs ranges from \$8 - \$14 per case (2000 cards per case). Some LEAs may only need 500, while others may need 20,000 applications. Using the postage range per case, the estimated total is \$400 - \$700 in shipping costs to distribute 100,000 voter registration applications to LEAs; however, the cost will vary based upon the shipping destination and number of cards requested.

The cost for replacing the current stock of voter registration applications and mailing said applications to LEAs will occur in FY 17 and the total estimated cost is \$73,986.

Officials at the **Department of Corrections** state prior data indicate there have been 3 incarcerations with an average 4 year sentence (2006 – present), and 14 probations with an average 3 year sentence (1996 – present). Under this legislation, all felony class provisions encompass the historical 4 year average sentences so that average sentence will not likely change. The cumulative effect on DOC could be an increase of 2 incarcerations and 6 field supervisions.

§115.631(1) addresses false information provided to election officials and is modified twice accounting for new felony classes. The current penalty will be changed from class C to B, and as of Jan. 1, 2017 will change the newly effective section from class D to class C. The net effect would be penalty enhancement from current class C (1-7 yrs) to class B (5-10 yrs) for approximately one year, changing to new class C (3-10 years) effective Jan. 1, 2017.

§115.631(17) refers to registering as a voter when not legally entitled to, or falsely registering as another individual. The current section provides only for the general election offense penalty of fine and/or imprisonment up to 5 years. The proposed bill would first specifically add a class B

ASSUMPTION (continued)

felony provision which would then become a class C (new system) as of Jan. 1, 2017. The net effect is to add a new class B/C felony provision to this section.

The FY15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender.

The DOC would assume this legislation will result in long term costs as indicated in the chart below.

	# to Prison	Cost per year	Total Cost Prison	# to Probation & Parole	Cost per year	Total Cost P&P	Grand Total P&P
Year 1	2	(\$6,135)	(\$12,270)	0	(\$2,205)	\$0	(\$10,225)
Year 2*	2	(\$6,135)	(\$12,270)	2	(\$2,205)	(\$4,410)	(\$17,014)
Year 3*	2	(\$6,135)	(\$12,270)	4	(\$2,205)	(\$8,820)	(\$21,942)
Year 4*	2	(\$6,135)	(\$12,270)	6	(\$2,205)	(\$13,230)	(\$27,061)
Year 5*	2	(\$6,135)	(\$12,270)	6	(\$2,205)	(\$13,230)	(\$27,602)
Year 6*	2	(\$6,135)	(\$12,270)	6	(\$2,205)	(\$13,230)	(\$28,154)
Year 7*	2	(\$6,135)	(\$12,270)	6	(\$2,205)	(\$13,230)	(\$28,717)
Year 8*	2	(\$6,135)	(\$12,270)	6	(\$2,205)	(\$13,230)	(\$29,291)
Year 9*	2	(\$6,135)	(\$12,270)	6	(\$2,205)	(\$13,230)	(\$29,877)
Year 10*	2	(\$6,135)	(\$12,270)	6	(\$2,205)	(\$13,230)	(\$30,475)

*Includes 2% inflation

Oversight assumes that the incarceration of two offenders and supervision of six offenders would create a minimal fiscal impact and DOC could absorb the costs with existing resources.

Officials at the **Office of Prosecution Services**, the **Office of State Courts Administrator**, the **Office of the Attorney General**, and the **Office of the State Public Defender** each assume no fiscal impact from this proposal to their respective organizations.

Officials at the **Kansas City Board of Election Commission**, the **Platte County Board of Election Commission**, the **St. Louis County Board of Election Commission**, **Mississippi County**, **Lincoln County**, and **Buchanan County** each assume no fiscal impact from this proposal to their respective organizations.

ASSUMPTION (continued)

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

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Callaway, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Maries, Marion, McDonald, Miller, Moniteau, Monroe, 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 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Cost - SOS - replacement of current voter registration applications and postage</u>	<u>(\$73,986)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$73,986)</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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

Under current law the crime of registering to vote knowing that one is not legally entitled to register or registering in the name of another carries a fine of between \$2,500 and \$10,000 and a

FISCAL DESCRIPTION (continued)

term of imprisonment of not more than 5 years. This act imposes a term of up to 15 years with no monetary penalty, which is a Class B felony until December 31, 2016 and a Class C felony beginning January 1, 2017.

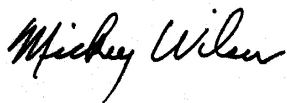
Under current law, class one election offenses carry a prison term of not more than 5 years. This act increases the term to 7 years.

Class one election offense offenders shall not be granted a suspended imposition of sentence; be eligible for probation or parole until serving a minimum of 30 days in prison; or act as an election judge, a challenger or a watcher.

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
Department of Corrections
Office of the Attorney General
Office of State Courts Administrator
Office of the State Public Defender
Office of Prosecution Services
Platte County Board of Election Commission
Kansas City Board of Election Commission
St. Louis County Board of Election Commission
Mississippi County
Buchanan County
Lincoln County



Mickey Wilson, CPA
Director

Ross Strobe
Assistant Director

L.R. No. 4708-01
Bill No. SB 750
Page 7 of 7
January 6, 2016

January 6, 2016

January 6, 2016