

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0338-01
Bill No.: SB 208
Subject: Elections; Secretary of State
Type: Original
Date: January 10, 2017

Bill Summary: This proposal modifies class one election offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(\$73,986)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$73,986)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
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 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
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 2018	FY 2019	FY 2020
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 ten 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 LEA's ranges from \$8 - \$14 per case (2,000 cards per case). Some LEA's 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 LEA's; 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 LEA's will occur in FY 2018 and the total estimated cost is \$73,986.

Officials at the **Department of Corrections (DOC)** assume this legislation modifies class one election offenses. This proposal extends sentencing penalties and eliminates suspended imposition of sentence (SIS) for election fraud offenses.

The first change is to specify that election offenses are punishable by fine and/or imprisonment for not more than seven years, increased from the current five years maximum imprisonment. Additionally, persons found guilty will not be granted suspended sentence and must serve at least 30 days incarceration before parole or probation eligibility. Exceptions are added for subdivisions 1 and 17 of this section.

115.631(1) addresses false information provided to an election authority or election official. The current penalty 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 new class C (3-10 years) effective January 1, 2017.

ASSUMPTION (continued)

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 proposal would specifically add a class C felony provision. The net effect is to add a new class C felony provision to this section.

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 proposal, all felony class provisions encompass the historical 4 year average sentences so that average sentence will not likely change. However, removal of initial probation eligibility for unclassified election offenses and the addition of a new class felony in 115.631(17) may lead to one additional incarceration for each case. Based on prior incarceration and probation sentences under this section, sentencing would follow past trends of 4 years, with 1 year incarceration and 3 years parole. The cumulative effect on DOC could be an increase of 2 incarcerations and 6 field supervisions.

The FY 2016 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender.

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

	# 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	(\$6,085)	(\$12,170)	0	(\$2,234)	\$0	(\$10,142)
Year 2*	2	(\$6,085)	(\$12,170)	2	(\$2,234)	(\$4,468)	(\$16,971)
Year 3*	2	(\$6,085)	(\$12,170)	4	(\$2,234)	(\$8,936)	(\$21,959)
Year 4*	2	(\$6,085)	(\$12,170)	6	(\$2,234)	(\$13,404)	(\$27,139)
Year 5*	2	(\$6,085)	(\$12,170)	6	(\$2,234)	(\$13,404)	(\$27,682)
Year 6*	2	(\$6,085)	(\$12,170)	6	(\$2,234)	(\$13,404)	(\$28,236)
Year 7*	2	(\$6,085)	(\$12,170)	6	(\$2,234)	(\$13,404)	(\$28,800)
Year 8*	2	(\$6,085)	(\$12,170)	6	(\$2,234)	(\$13,404)	(\$29,376)
Year 9*	2	(\$6,085)	(\$12,170)	6	(\$2,234)	(\$13,404)	(\$29,964)
Year 10*	2	(\$6,085)	(\$12,170)	6	(\$2,234)	(\$13,404)	(\$30,563)

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.

ASSUMPTION (continued)

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

Officials from the **Office of the State Courts Administrator, Office of Prosecution Services, Office of the State Public Defender, St. Louis County Board of Election Commissioners, Buchanan County, Platte County Board of Elections and Kansas City Election Board** each assume the proposal will have no fiscal impact on their respective organizations.

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

Officials at the following counties: Andrew, Atchison, Boone, Camden, Carroll, Christian, Clay, Cole, Cooper, Daviess, Franklin, Knox, Marion, Miller, Montgomery, New Madrid, Phelps, Platte, and Wayne did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
GENERAL REVENUE			
<u>Cost</u> - SOS - replacement of current voter registration applications and postage	<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 2018 (10 Mo.)	FY 2019	FY 2020
	<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 term of imprisonment of not more than 5 years. This act makes that a Class C felony.

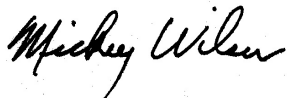
Under current law, Class One election offenses carry a prison term of not more than 5 years. This proposal increases the term to 7 years.

The proposal further provides that persons committing a class one election offense 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 State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Attorney General's Office
Buchanan County
Platte County Board of Elections
St. Louis County Board of Election Commission
Kansas City Election Board



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