

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4850-08
Bill No.: Corrected Truly Agreed To and Finally Passed SS for SCS for SB 592
Subject: County Officials; Elections; Secretary of State
Type: Original
Date: June 28, 2018

Bill Summary: This proposal modifies several provisions relating to elections.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue Fund	\$0	\$0 or Up to \$14,745	Up to (\$7,900,000)
Total Estimated Net Effect on General Revenue	\$0	\$0 or Up to \$14,745	Up to (\$7,900,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 19 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	\$0 or Unknown	\$0 or Could exceed \$1,471,206	Could exceed \$9,839,363

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State (SOS)** assume the proposal would compel the state to pay proportional election costs incurred by local election authorities whenever a state-level issue appears on a ballot. In particular, this proposal would require the state to pay election costs for each primary and general election held in the state, subject to appropriation by the General Assembly. These would include equipment rental costs incurred by local election authorities to procure additional electronic voting machines or portable electronic check-in devices ("poll pads").

In the past, the cost of holding a statewide election, not including equipment rental, has been estimated at \$7 million, based on the 2016 Presidential Preference Primary. The cost of equipment rental, as determined from the 2016 Presidential Preference Primary, is estimated at \$900,000 per election. This gives a total estimated cost of \$7.9 million per statewide election, during which the state's proportional cost is essentially 100% of the total election. It can be assumed that the state's proportional share for primary and general elections held in the state would be less than 100%; for the purposes of this fiscal note, a 50% share is assumed due to other political subdivisions with issues on the ballot. Using this methodology as a guideline, this bill would create estimated costs of up to \$7.9 million in FY 2021.

In addition, SOS assumes 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 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, 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 our core budget. Therefore, 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.

ASSUMPTION (continued)

In response to a previous version, officials from the **Lincoln County Clerk's Office** assume the proposal is estimated to save as much as \$110,000 in each even-numbered year due to the state paying as much as 50% of the cost of the August Primary and the November General Election costs.

Potential and significant savings may be realized through reduced ballot reprinting costs by moving the deadline to add or remove questions and candidates to or from the ballot away from the start of the absentee voting period.

Potential and significant costs may be realized if the SOS is allowed to determine if the cost of an election is "reasonable", or, if sufficient cash is not appropriated relieving the state of their liability. Removal of the \$50 per day penalty for a district or subdivision failing to pay their election costs by the deadlines set forth may also impede our ability to collect those costs. If political subdivisions refuse to pay their proportionate share of just the annual municipal election, the costs could be as high as \$110,000 each year.

Officials from the **St. Louis County Election Board** assume the proposal could have a positive fiscal impact for the St. Louis County Election Board up to \$1.5 million per even numbered year. This legislation could result in a negative fiscal impact in the amount of \$1 million per year if the state does not have funds to reimburse Election Board.

Officials from the **City of Kansas City** assume the deletion of Section 115.063.3 might have a small positive fiscal impact of an indeterminate amount on the City. The other provisions will have no fiscal impact on their organization.

Officials from the **City of Columbia** state the two provisions that might impact us are the ones on the election costs and the notice of elections/ballots. Officials assume an unknown impact of the election costs provision.

The repeal of the state not being liable for general/primary elections in even-numbered years would be okay if those elections are held because they would now help with the cost. My experience is that the more entities that participate in an election, the less the cost is for us. If this repeal means there will now be primaries during even-numbered years when there previously were not held, it could result in a higher to the city if a large turnout is anticipated and the city had something on the same ballot.

ASSUMPTION (continued)

Without knowing what kind of equipment costs are charged to entities for each ballot issue, I would not know if the rental of electronic voting machines or poll books would impact our share of election costs. If those items are not charged now, it would result in a higher cost. If those items are charged now, I am not sure if there would be an impact.

The change in the notice of elections for special elections to fill a vacancy could result in a longer period of time a seat remains vacant due to recall, resignation, death, etc. It just depends on timing. It does not impact Columbia for our normal filing for the April election because our filing deadline is a week before that of other municipalities, but it appears it would impact other municipalities and could impact us if a special election to fill a vacancy was held.

Oversight assumes there will be a positive fiscal impact to local election authorities if election costs are paid by the state in even-numbered years; therefore, Oversight will reflect a savings to local election authorities equal to the potential costs estimated by SOS.

§§65.610 & 65.620 - Similar to SB 940

In response to a similar proposal from this year (SB 940), officials at **Dade County** assumed at the time the County was a township form of government, the County generated approximately \$500,000 in road tax per tax collecting year. Each township had their own distinct levy which lead to the approximate amount. Now that the County is not a township form of government, the County is allowed by statute to collect the lowest township tax that was in place prior to the abolishment, or \$.22. This generated approximately \$250,000 per year. In the upcoming General Municipal Election, April 3, 2018, the County will be asking for a \$.50. That proposed amount will generate approximately \$588,000 per year.

In response to a similar proposal from this year (SB 940), officials at **Stoddard County** assumed a negative unknown fiscal impact. There are 7 townships in the County.

In response to a similar proposal from this year (SB 940), officials at **Linn County** assumed this legislation would not have a fiscal impact, as long as, the new tax collected is equal to what the township was receiving before abolishment.

Oversight assumes that with the removal of subsection 65.620.4 could allow the county to immediately set a rate on the ballot that would allow the county to collect an amount which is equal to the current amount being collected by the townships for road and bridge funding. Under current law the affected county's tax rate is, for a year, the lowest tax rate charged by any of the former townships within the county. This removal also allows the question to be answered at the

ASSUMPTION (continued)

time it is put on the ballot, instead of waiting an extra amount of time, even up to a calendar year, to set the rate. Oversight assumes this could prevent a decrease in road and bridge funding for counties which would abolish townships compared to current statute. Oversight assumes the language in this proposal could avert losses of road and bridge funds by counties which abolish the township form of government. Therefore, Oversight will reflect a \$0 (if no abolition of townships or the county does not choose to have an election to set tax rates) or a positive unknown (if there is an abolition of townships and the county government has a successful election to set a countywide property tax rate for roads and bridges) for this proposal.

In response to a similar proposal from this year (SB 940), officials at the **Office of State Auditor**, the **Office of the Secretary of State** and the **State Tax Commission** each assumed no fiscal impact to their respective agencies from this proposal.

§ 88.770 - Similar to SB 658

In response to a similar proposal from this year (SB 658), officials at the **Office of the Secretary of State**, the **Department of Economic Development** and the **Department of Natural Resources** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a similar proposal from this year (SB 658), officials at the **Jackson County Board of Election Commissioners**, the **St. Louis County Board of Election Commissioners**, **Boone County**, **St. Louis County** and the **City of Kansas City** each assumed no fiscal impact to their respective entities from this proposal.

In response to similar legislation from 2017, SCS for HCS for HB 247, officials at the **Platte County Board of Election Commissioners**, the **City of Fulton**, the **Callaway County Commission**, the **City of Columbia** and the **Metropolitan St. Louis Sewer District** each assumed no fiscal impact to their respective entities from this proposal.

§ 94.900 - Public Safety Sales Tax in Centralia and Lebanon

In response to a similar proposal from this year (SB 885), officials at the **Office of Administration Division of Budget and Planning (B&P)** assumed this proposal allows voters in the City of Centralia to impose a sales tax up to 0.50% for the purpose of funding public safety for the city. Using forecast estimates for statewide average growth in local sales taxes and state taxes (including food), the estimated average growth for FY 2018 and FY 2019 is 2.5% and 1.90%, respectively. Budget and Planning estimates the City of Centralia FY 2019 taxable sales totals \$40 million. The bill indicates that this sales tax would take effect starting April 1, thus

ASSUMPTION (continued)

only impacting Q4 of FY 2019 sales collections. With estimated Q4 sales collections of \$10.1 million, this proposed sales tax could generate approximately \$51,349 for the city for FY 2019.

As a voter approved tax, the collected revenues will not impact General and Total State Revenues; however, DOR will retain 1% to offset collection costs. Therefore, that portion could increase General and Total State Revenues by approximately \$509 in FY 2019.

Using the same methodology to estimate FY 2020 and FY 2021 sales, we estimate taxable sales in the City of Centralia to total \$40.7 million in FY 2019. This proposed sales tax might generate approximately \$201,397 for the city in FY 2020, and annually thereafter. The collected revenues will have no impact on General and Total State Revenues; however, DOR will retain 1% to offset collection costs. Therefore, General and Total State Revenues could increase by approximately \$2,034 in FY 2020 and annually thereafter if the county sales tax is approved.

B&P deferred to DOR for estimates of actual collection costs.

In response to a similar proposal from this year (SB 885), officials at the **City of Centralia** assumed the City would reap almost all of the revenue, except the small percentage retained by the Department of Revenue for collection and disbursement. A ½ cent sales tax is anticipated to raise \$210,000 annually for the City of Centralia. Most of those funds would come from expenditures by Centralia residents.

In response to a similar proposal from this year (SB 885), officials at the **Department of Revenue** assumed there is no fiscal impact from this proposal.

Oversight notes this proposal would give the City of Centralia the option to vote to increase their local sales tax by .50% in order to fund public safety. Oversight notes the effective date of this proposal would be August 28, 2018. Oversight assumes the question would be put before the voters at the general municipal election in April 2019 (FY 2019). Therefore, the earliest the sales tax could become effective would be the first day of the second calendar quarter after the Department of Revenue is notified of voter approval. In this case, the earliest effective date assuming voter approval at the April 2019 general municipal election would be October 1, 2019 (FY 2020). Therefore, only nine months of taxes would be collected in FY 2020.

Oversight notes that if the proposal is adopted DOR would be allowed to keep 1% of the amount of sales tax collected to cover their expenses. Oversight notes that DOR would retain \$2,034. Oversight will show the fee as \$0 (no sales tax increase is adopted by voters) to up to the amount listed for the City.

ASSUMPTION (continued)

For fiscal note purposes, **Oversight** will indicate a range of additional local government revenue from \$0 (the sales tax is not adopted by the City of Centralia and/or voters fail to approve the sales tax) to up to \$201,397 for a full year of tax collections estimated by B&P.

City of Centralia - Taxable Sales Report	
FY 2017	\$19,490,976 (6 month total)
FY 2016	\$38,458,884
FY 2015	\$37,677,040

Source: Department of Revenue website

Oversight notes that Section 94.900 also allows the city of Lebanon to put before its voters a ½ cent sales tax for public safety. According to DOR's reports, the City of Lebanon collected \$6.96 million from a 2 cent sales tax during FY 2017. Therefore, a ½ cent sales tax would collect approximately \$1.74 million

§ 115.124 - Similar to SB 876

In response to a similar proposal (SB 876), officials from the **Office of the Secretary of State** assumed the proposal will have no fiscal impact on their organization.

In response to a similar proposal (SB 876), officials from the **Cole County Clerk's Office** assumed this proposal would cost the County money. Cole County is still required to advertise the non-election and we charge the political subdivision the portion of cost for the ad to notify the voter of non-election.

The newspaper breaks out the ad proportionately and we charge each political subdivision for their part.

If a political subdivision has a non-election then they are charged for the cost of advertising only.

Oversight notes section 115.124 would allow cities, towns, or villages with less than 2,000 inhabitants to skip local elections if the number of open seats equals the number of candidates running for those seats. We are unable to determine the number of cities, towns, or villages that would not participate in those elections; therefore, Oversight will show the fiscal impact to the Local Election Authorities (LEA) as a savings of \$0 or Unknown.

ASSUMPTION (continued)

In response to a similar proposal (SB 876), officials from the **Platte County Board of Elections, St. Louis County Board of Election Commissioners, Kansas City Election Board, Jackson County Election Board, St. Louis County, and City of Kansas City** each assumed the proposal will have no fiscal impact on their respective organizations.

§ 115.157 - Similar to SB 702

In response to a similar proposal from this year (SB 702), officials from the **Office of the Secretary of State** assumed the proposal will have no fiscal impact on their organization.

In response to a similar proposal from this year (SB 702), officials from the **St. Louis County Board of Election Commissioners, Platte County Board of Election Commissioners, and Kansas City Election Board** assumed the proposal will have no fiscal impact on their respective organizations.

§ 162.441 - Similar to SB 990

In response to a similar proposal (SB 990), officials from the **Department of Elementary and Secondary Education, Office of the Secretary of State and Department of Higher Education** assumed the proposal will have no fiscal impact on their organizations.

In response to a similar proposal (SB 990), officials from the **State Technical College of Missouri, Jackson County Election Board, and Kirksville R-III School District** assumed the proposal will have no fiscal impact on their organizations.

Bill as a Whole

Officials from the **Missouri Ethics Commission, Office of Prosecution Services, and Office of the State Treasurer, Office of the Governor, and Department of Revenue - Division of Motor Vehicles** each assume the proposal will have no fiscal impact on their organization.

Officials from **Carroll County** assume an unknown impact.

Officials from the **Platte County Board of Elections** do not expect a significant fiscal impact from this legislation.

Officials from the **Missouri State University, Jackson County Election Board, Wellsville-Middletown R-1 and State Technical College of Missouri** both assume the proposal will have no fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
GENERAL REVENUE FUND			
<u>Revenue</u> - DOR - 1% collection charge on sales tax in Centralia §94.900	\$0	\$0 or Up to \$1,695	\$0 or Up to \$2,034
<u>Revenue</u> - DOR - 1% collection charge on sales tax in Lebanon §94.900	\$0	\$0 or Up to \$13,050	\$0 or Up to \$17,400
<u>Cost</u> - SOS - election cost for primary and general elections	<u>\$0</u>	<u>\$0</u>	<u>Up to</u> <u>(\$7,900,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0 or Up to</u> <u>\$14,745</u>	<u>Up to</u> <u>(\$7,900,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
LOCAL POLITICAL SUBDIVISIONS			
<u>Savings</u> - §§65.610 & 65.620 - on road and bridge funding in counties with townships who abolish their government	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Revenue</u> - City of Centralia - additional half cent sales tax for public safety §94.900	\$0	\$0 or Up to \$166,206	\$0 or Up to \$199,363
<u>Revenue</u> - City of Lebanon - additional half cent sales tax for public safety §94.900	\$0	\$0 or Up to \$1,305,00	\$0 or Up to \$1,740,000
<u>Savings</u> - LEA - skip certain elections based on the number of open seats and number of candidates running §115.124	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Savings</u> - state paying for primary and general election costs	<u>\$0</u>	<u>\$0</u>	<u>Up to \$7,900,000</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or Unknown</u>	<u>\$0 or Could exceed \$1,471,206</u>	<u>Could exceed \$9,839,363</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies several provisions relating to elections.

BALLOT QUESTION ON ABOLISHING TOWNSHIP FORM OF GOVERNMENT (SECTIONS 65.610 65.620)

This act specifies that ballot questions to abolish the township form of government in a county shall also provide for a countywide tax for road and bridge purposes.

FISCAL DESCRIPTION (continued)

This provision is identical to SB 940 (2018) and provisions in SCS/HB 1442 (2018) and the truly agreed to CCS/SS/SCS/HB 1291 (2018).

MUNICIPALLY-OWNED UTILITIES (SECTION 88.770)

Currently, cities of the fourth classification may only sell their interest in a municipally-owned utility when ratified by a 2/3 vote. This act lowers the voter-approval threshold for the sale of a water or wastewater system, or a gas plant, by such cities to a majority vote. The Board of Aldermen shall hold a public meeting at least 30 days prior to any such vote. The municipality in question shall notify its customers of the meeting through radio, TV, newspaper, regular mail, e-mail, or any other combination thereof at least 15 days prior to the meeting.

This provision is substantially similar to SCS/SB 658 (2018) and provisions contained in SCS/HB 1442 (2018), HCS/HB 1947 (2018), the perfected HCB 23 (2018), CCS/HCS/SCS/SB 11 (2017), HCS/HB 247 (2017), and HCS/SB 30 (2017).

ELECTIONS TO AUTHORIZE SALES TAXES FOR PUBLIC SAFETY

(SECTION 94.900)

This act adds the City of Centralia and the City of Lebanon to the list of cities authorized to propose a sales tax for the purposes of improving public safety. Such sales tax, if approved by the voters, would be at a rate of 0.5%.

This provision is identical to SCS/SB 885 (2018) and provisions contained in SCS/HB 1442 (2018) and the truly agreed to CCS/SS/SCS/HB 1291 (2018). The provision is additionally similar to HCS/HB 2186 (2018), HB 2712 (2018), and a provision contained in the perfected HCB 23 (2018).

ELECTION COSTS (SECTIONS 115.061, 115.063, 115.065, 115.077)

Payment of Election Costs

Current law provides that the state shall not be liable for any costs of a general or primary election held in an even-numbered year. This act repeals that provision. (Section 115.063.3). This provision is identical to a provision in HB 1284 (2018).

FISCAL DESCRIPTION (continued)

The definition of "election costs" is modified to include the rental of any electronic voting machine or electronic poll book. (Section 115.065.4)

The act modifies the process for how costs for elections for which the state is liable are determined and deposited with election authorities. For such elections, the SOS shall pay a reasonable estimate of the costs of the election no later than the 7th Tuesday prior to the election. The reasonable estimate of the costs shall be determined by the SOS in consultation with the LEA using a method determined by the SOS in consultation with the LEA. (Section 115.077.2)

Within two weeks of receipt of the actual cost and required documentation of actual expenses from the LEA, the state, political subdivision, or special district shall approve for payment the difference between the amount deposited and the cost of conducting the election. The SOS shall notify the LEA no later than 11 weeks prior to any election for which the state is required to pay election costs what documentation will be required to show the costs that have been incurred in conducting such an election. (Section 115.077.5)

The state is not liable for, and shall not be considered to have willfully failed to make payment of, an election cost if there is not sufficient cash or appropriation authority to make payment. (Section 115.077.7)

OVERPAYMENT OR UNDERPAYMENT OF ELECTION COSTS (Section 115.077.4)

Under current law, whenever the amount paid to an LEA to conduct an election by the state, political subdivision, or special district exceeds the cost of conducting the election the LEA shall "promptly" repay the excess amount. This act requires excess election costs to be repaid not later than the 10th Tuesday following an election.

Current law requires that when the amount paid to an LEA to conduct an election for the state, political subdivision, or special district is less than the cost of conducting the election, the state, political subdivision, or special district shall pay the LEA the difference no later than the 5th Tuesday following the election. This act requires LEA's to submit, no later than the 10th Tuesday following the election, a request for the state, political subdivision, or special district to pay the difference.

RENTING AND LEASING OF ELECTRONIC VOTING MACHINES (SECTION 115.077.9)

The act permits an LEA to rent or lease out any electronic voting machines purchased by the LEA.

FISCAL DESCRIPTION (continued)

STATE ELECTION FUNDS (Section 115.077.8 and Section 115.078)

The act transfers all unobligated funds of the State Election Subsidy Fund to the Election Administration Improvement Fund on January 1, 2019. Furthermore, the responsibility for making payments of election costs to LEAs as required under this act, is transferred from the State Election Subsidy Fund to the Election Administration Improvement Fund.

These provisions have an effective date of January 1, 2019.

NON-ELECTIONS (SECTION 115.124)

Under current law, any municipality with less than 1,000 inhabitants may adopt a proposal allowing for the waiver of any election to a nonpartisan office if the number of candidates for the office is equal to the number of positions available and if no ballot measure is placed on the ballot. This act increases the population threshold to 2,000.

This provision is identical to SB 876 (2018) and provisions contained in SCS/HB 1442 (2018) and the truly agreed to SS/SCS/HB 1446 (2018).

NOTICE OF ELECTION AND BALLOTS (SECTIONS 115.125 AND 115.127)

Current law provides that the officer or agency calling a special election to fill a vacancy shall certify a sample ballot to the election authorities responsible for conducting the election no later than the 4th Tuesday prior to the election. This act changes that to the 6th Tuesday prior to the election.

Current law allows for a late notice of election by the political subdivision or special district no later than the 6th Tuesday before the election, with certain qualifications. This act permits late notice no later than the 8th Tuesday prior to an election.

Current law prohibits a court from ordering an individual or issue to be placed on a ballot less than 6 weeks prior to an election. This act extends that prohibition to 8 weeks prior to the election.

Current law provides that no candidate's name or ballot issue that appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order. This act adds to that prohibition by stipulating that in no case shall a candidate or issue be removed less than 8 weeks prior to the election.

FISCAL DESCRIPTION (continued)

PUBLIC AVAILABILITY OF ABSENTEE VOTER RECORDS (SECTION 115.157)

Under this act, the Secretary of State shall furnish records of absentee ballot applications to a candidate, the duly authorized representative of a campaign committee, or a political party committee upon request. The records shall show the names, addresses, and voter identification numbers of voters within the jurisdiction of the election authority who requested an absentee ballot in any specific election involving a ballot measure or an office required to file the declaration of candidacy with the Secretary of State. The records shall be in an electronic format unless specifically requested in printed form.

A fee shall be charged by the Secretary of State for the records. The fee may be determined by the Secretary of State but may not exceed the amount permitted by law relating to fees for copying public records.

This provision is identical to a provision in the truly agreed to SS/SCS/HB 1446 (2018) and substantially similar to SCS/SB 702 (2018).

COMPLAINTS - ELECTIONS DIVISION (SECTIONS 115.155, 115.287, AND 115.429)

The act permits complaints to be filed with the Elections Division of the Secretary of State's office by the following persons:

- A person who has been determined by an election authority to not be entitled to register to vote;
- A person who has been deemed not entitled to vote by absentee ballot by an election authority; and
- A person who has not been permitted to vote by the election judges because of doubt as to his or her identity or qualifications to vote.

ABSENTEE VOTING (SECTIONS 115.279, 115.284, 115.287, 115.299, AND 115.910)

The act permits election authorities to accept applications for absentee ballots by email.

FISCAL DESCRIPTION (continued)

Current law requires an application for absentee ballot not made in person or an application for military-overseas ballot be made by 5 PM on the Wednesday immediately prior to the election. This act requires such applications to be made by 5 PM on the 2nd Wednesday immediately prior to the election.

Current law permits any voter who has become hospitalized or otherwise confined to a specified health care facility on the Wednesday prior to an election, to cast an absentee ballot upon delivery by the election authority. This act extends that provision to the 2nd Wednesday prior to the election.

SPECIAL ELECTIONS - STATE REPRESENTATIVE AND STATE SENATOR (SECTIONS 115.329 AND 115.373)

The act provides that when a special election to fill a vacancy is called to fill an unexpired term for state representative or state senator, the secretary of state shall not accept any petition for the formation of a new party or for the nomination of an independent candidate after 5:00 PM on the 21st day after the writ of election is issued. Furthermore, political party nominating committees are required to file the name of its nominee for such election no later than 5 PM on the 21st day after the issuance of the writ of election.

PETITIONS FOR NEW PARTIES AND INDEPENDENT CANDIDATES

(SECTION 115.335)

Under current law, when the Secretary of State verifies signatures on a petition for the formation of a new party or for an independent candidate, copies of the petition pages may be sent to the appropriate election authorities and communication between the Secretary of State and the election authority must be by certified mail. This act repeals the certified mail requirement.

Furthermore, current law stipulates that the Secretary of State may not designate a deadline for returning verification of a petition less than 10 or more than 40 days. This act changes that provision so that the Secretary shall not designate a deadline which is less than 7 days after the petition has been received by the election authority.

WITHDRAWAL OF CANDIDACY (SECTIONS 115.359 AND 115.361)

FISCAL DESCRIPTION (continued)

Current law permits a candidate who has filed for an office or who has been nominated for an office to withdraw as a candidate under certain circumstances no later than 6 weeks prior to the election. This act permits withdrawal no later than 8 weeks prior to the election.

Under current law, if a candidate for nomination to an office in which the candidate is the incumbent or the only candidate dies, withdraws, or is disqualified after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the 8th Tuesday prior to any primary election, filing for the office shall be reopened for a period of 5 working days. This act moves that deadline up to 5 PM on the 10th Tuesday prior to the election.

Under current law, if a candidate for nomination to an office in which the candidate is the only candidate dies, withdraws, or is disqualified after 5:00 p.m. on the 6th Tuesday prior to a primary election, the election and canvass shall not proceed, and a vacancy shall exist on the general election ballot. This act extends that deadline to the 10th Tuesday prior to the election.

POLITICAL PARTY NOMINATING COMMITTEE PROCEDURES (SECTION 115.363)

The act provides that if there are no candidates for a primary, general, or special election due to death, disqualification, or withdrawal of a candidate after the last day for filing, the political party nominating committees may appoint a candidate at or before 5 PM on the 10th Tuesday prior to the election.

DEATH AND DISQUALIFICATION OF CANDIDATES

(SECTIONS 115.373 AND 115.379)

The act stipulates that whenever a candidate for nomination or election to an office at a primary, general, or special election to fill a vacancy dies or is disqualified after 5:00 p.m. on the 8th Tuesday, rather than the 4th or 6th Tuesday, prior to the election, his or her name shall be printed on the ballot.

ELECTION OFFENSES (SECTION 115.637)

Under current law, it is a class 4 election offense to conduct exit polling, surveying, sampling, electioneering, distributing election literature, posting signs, or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within twenty-five feet of the building's outer door closest to the polling place.

FISCAL DESCRIPTION (continued)

This act extends that requirement to within 100 feet of the building's outer door closest to the polling place.

INVESTIGATION OF ELECTION OFFENSES (SECTION 115.642)

The act requires any person making a complaint regarding violation of election offenses to do so under penalty of perjury.

Furthermore, the act requires the SOS to dismiss any frivolous complaint alleging an election offense. Any person who makes frivolous complaints shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light.

ATTACHMENT OF SCHOOL DISTRICTS (SECTION 162.441)

Under current law, in order for a school district to become attached to a community college district, a petition must be submitted to the school board of the school district signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, at which point an election must be called. This act provides that a community college district may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy a tax rate equal to the rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The community college district shall be responsible for the costs associated with the election.

This provision is identical to provisions contained in the truly agreed to SS/HB 1744 (2018), the truly agreed to CCS/HCS/SCS/SBs 807 & 577 (2018), and the truly agreed to SCS/SB 990 (2018). It is substantially similar to a provision in the truly agreed to CCS/SS/SCS/HB 1291 (2018).

MISCELLANEOUS

The act repeals numerous obsolete provisions and erroneous intersectional references.

Several provisions in this act are identical or substantially similar to those found in HCS/HB 1857 (2018).

This act has varying effective dates.

FISCAL DESCRIPTION (continued)

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
St. Louis County Election Board
City of Kansas City
Summersville R2 School District
Missouri Ethics Commission
Office of Prosecution Services
Office of the State Treasurer
Office of the Governor
Department of Revenue
Department of Economic Development
Department of Natural Resources
State Tax Commission
Office of the State Auditor
Office of Administration - Budget and Planning
Department of Elementary and Secondary Education
Department of Higher Education
Department of Revenue - Division of Motor Vehicles
Platte County Board of Elections
Lincoln County Clerk's Office
Missouri State University
State Technical College of Missouri
Kirksville R-III School District

Ross Strope



Acting Director
June 28, 2018