

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3510S.01I
Bill No.: SB 657
Subject: Education, Elementary and Secondary; Elections; Elementary and Secondary
Education, Department of;
Type: Original
Date: January 12, 2022

Bill Summary: This proposal establishes procedures for recall elections for school board members.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State** and **Department of Elementary and Secondary Education** both assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for those agencies.

In response to similar legislation, HB 229 from 2021, officials from the **Kansas City Election Board** assumed the cost to conduct a recall election could range from \$20,000 to \$300,000 depending on the size of the entity calling the election. The cost to conduct an election in the Kansas City portion of Jackson County is roughly \$625,000. If an entity such as the KCPS were required to conduct an election and no one else participated, based on their size and voter registration, their costs could potentially be around \$300,000. If a smaller jurisdiction such as Hickman Mills, Center or Raytown School Districts had the same election, based on their size and voter registration, their costs would be much cheaper (\$20,000).

Officials from the **Platte County Board of Elections** assume potential costs for a recall election in a School District with no other participating entities could be up to \$40,000.

Officials from the **St. Louis County Board of Elections** and **Jackson County Board of Elections** both assume the proposal will have no fiscal impact on their organization.

Oversight notes that according to Section 162.089.5 (1) the election authority has three options in which the question to recall a school board member can be submitted to the voters of that district. Those options are at the next general election, at a special election to be called on the first Tuesday after the first Monday in November of odd-numbered years if the date is no fewer than ninety calendar days after the date of notification, and the next general municipal election in which there is a vote for school board member, if that date is no fewer than ninety calendar days after the date of notification.

The cost to local election authorities varies greatly depending on which election the question to recall a school board member would be submitted to voters and which jurisdiction would require the election. Oversight has no way to determine how many recall elections would be held (if any), which election the recall question would be submitted to voters, or what jurisdictions would require the election. Therefore, Oversight will reflect a potential negative unknown cost to local election authorities on the fiscal note.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost – Local Election Authorities – administering school member recall election (if any)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</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 establishes a recall procedure for local school board members.

A recall election shall be held upon the submission of a petition signed by at least 25% of the number of registered voters who voted in the most recent school board election. Recall proceedings shall not be commenced against any member during the first 30 or last 180 days of the member's term or against any member who has had a recall election decided in the member's favor during the term.

Recall proceedings shall commence by filing a notice of intention to circulate a recall petition, as described in the act, with the school district's election authority. The notice of intention shall include the grounds for recall, which may include but are not limited to conduct that adversely affects the rights and interests of the public, commission of an act of malfeasance, and moral turpitude.

The election authority shall certify the notice of intention so long as it meets the act's requirements and shall notify the school district administration, school board, and the board member. The board member may file a statement in answer, as described in the act.

After notifying the petition filer that the petition has been certified, the election authority shall order the question to be submitted to the voters on an election day as described in the act. If no election day will be held prior to the expiration of the board member's term, the board member shall serve the rest of his or her term.

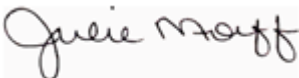
If a majority of voters are in favor of recall, the resulting vacancy shall be filled as provided in existing law for premature vacancies in the district, unless the recall question was submitted in an April election for new school board members, in which case the vacancy shall be filled by the first runner-up in the election for new members.

A recalled school board member shall not fill the vacancy created by the recall, but he or she may seek future reelection.

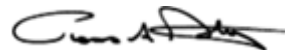
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State
Department of Elementary and Secondary Education
Kansas City Board of Elections
St. Louis County Board of Elections
Platte County Board of Elections
Jackson County Board of Elections



Julie Morff
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January 12, 2022



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January 12, 2022