

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1842S.01I
Bill No.: SB 508
Subject: Elections; Education, Elementary and Secondary; Secretary of State
Type: Original
Date: April 10, 2023

Bill Summary: This proposal establishes a procedure for school board recall elections.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 2024	FY 2025	FY 2026
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State**, the **Missouri Highway Patrol**, the **Office of the State Public Defender**, and the **Department of Elementary and Secondary Education** each assume the proposal will have no fiscal impact on their respective organizations. **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 **Greene County Clerk's Office** assume an estimated cost increase of \$60,000 (smallest school district) to \$250,000 (largest school district). All costs would be proportionally charged to the school district.

Officials from the **Jackson County Board of Elections** assume in the past, election authorities have not been responsible for recall efforts regarding school board members.

SB 508 places all recall authority under the election official's purview and could create court challenges for that official. Election officials are funded by the county in which they hold office and if there were legal challenges they should not be passed on to the county.

Attorney Fees for Possible Court Challenges would be \$1,000 - \$10,000.

Officials from the **Platte County Board of Elections** assume the costs of holding 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** 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 2024 (10 Mo.)	FY 2025	FY 2026
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost – Local Election Authorities – administering school board member recall election (if any)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(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 election procedure for school board members. Under the act, school board members shall be subject to recall from office upon the submission of a petition signed by at least ten percent of the number of voters who voted in the most recent school board election. No proceedings shall be commenced against any member if, at the time of commencement, the member has not held office for more than ninety days; has fewer than 180 days remaining in their term; or has had a recall election determined in their favor during their current term of office.

The grounds for a recall election shall include, but are not limited to: conduct that adversely affects the rights and interests of the public; abuse of power or authority; commission of an act of malfeasance; lack of responsiveness to concerns raised by the public; and moral turpitude.

Recall election proceedings may be commenced by filing a notice of intention to circulate a recall petition with the election authority that has jurisdiction over the school district. A notice of intention to circulate a recall petition shall include certain information described in the act.

Within three business days after certifying a notice of intention, the election authority shall send notification of the filing of the notice by registered mail to the school district administration, the school board, and the board member sought to be recalled. Within fourteen days after the receipt of the notice, the board member who is the subject of the notice may file a statement in answer to the statement of the proponents. The election authority shall make the answer available for public viewing upon request.

Collection of signatures on a petition for recall may begin seven days after the election authority's certification, with the date of the certification counted as the first day. Any person circulating a petition for recall shall be a registered voter in the district of the board member sought to be recalled.

Each person signing a petition shall do so in the presence of the person who is circulating the petition and who will execute the affidavit of verification for each page of the petition. Each signer shall be a registered voter in the school district. The completed petition with the required number of signatures shall be notarized as described in the act and filed with the election authority.

If the election authority finds the signed petition to be insufficient, the election authority shall, within three business days after such determination, send notification of the insufficiency by registered mail to the person who filed the signed petition. The person who filed the signed petition shall have thirty days to correct the insufficiencies identified by the election authority and refile the petition. If the petition is not corrected and refiled, the petition and all its signatures shall be void.

If the election authority finds the signed petition to be sufficient, the election authority shall attach to the petition a certificate showing the result of the examination. The election authority shall, within three business days, send notification of the sufficiency and certification by registered mail to the person who filed the signed petition, the school district administration, the school board, and the board member sought to be recalled.

The act specifies the days on which school board recall elections may occur and the language that shall appear on the ballot. If a majority of the votes are in favor of removing the member, a successor shall be chosen in the same manner as any vacancy on the district board is filled. The act specifies that a school board member who has been recalled shall not fill the vacancy created

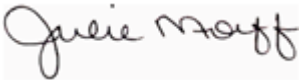
by the recall, but such member may seek election to the school board at any election not held to fill the vacancy created by the member's recall.

The act requires the Secretary of State to compile an annual report listing the name of each school board member, the school district the member serves, the member's election date, and the expiration date of the member's term. Such report shall be sorted by the school district names and posted on the secretary of state's website on July first of each year.

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
Missouri Highway Patrol
Office of the State Public Defender
Kansas City Board of Elections
St. Louis County Board of Elections
Platte County Board of Elections
Jackson County Board of Elections
Greene County Clerk's Office



Julie Morff
Director
April 10, 2023



Ross Strope
Assistant Director
April 10, 2023