

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3890S.04C
 Bill No.: SCS for SJR Nos. 74, 48, 59, 61 & 83
 Subject: Constitutional Amendments; Initiative and Referendum Petitions
 Type: Original
 Date: January 31, 2024

Bill Summary: This proposal modifies the process relating to constitutional amendments.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	\$0 or (More than \$8,000,000)	\$0	\$0
Total Estimated Net Effect on General Revenue	\$0 or (More than \$8,000,000)	\$0	\$0

*The potential fiscal impact of “(More than \$8,000,000)” would be realized only if a special election were called by the Governor to submit this joint resolution to voters.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Local Government	\$0*	\$0	\$0

*The potential fiscal impact to local election authorities (reimbursed by the state) would be realized only if a special election were called by the Governor to submit this joint resolution to voters.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri House of Representatives**, the **Missouri Senate**, the **St. Louis City Board of Elections** and the **St. Louis County Board of Elections** each assume no fiscal impact from the joint resolution.

Officials from **Office of the Secretary of State (SOS)** assume, each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, Joint Resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a Joint Resolution to a vote of the people, section 115.063.2 RSMo requires the state to pay the costs. The cost of the special election has been estimated to be \$8 million based on the cost of the 2022 primary and general election reimbursements.

The Secretary of State's office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

For the FY25 petitions cycle, the SOS estimates publication costs at \$60,000 per page. This amount is subject to change based on number of petitions received, length of those petitions and rates charged by newspaper publishers.

The Secretary of State's office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of the publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Oversight has reflected, in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2025. This reflects the decision made by the Joint Committee on Legislative Research that the cost of the elections should be shown in the fiscal note. The next scheduled statewide general

election is in November 2024 (FY 2025). It is assumed the subject within this proposal could be on this ballot; however, it could also be on a special election called for by the Governor (a different date). Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2025.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Transfer Out</u> - SOS - reimbursement of local election authority election costs if a special election is called by the Governor	\$0 or (More than <u>\$8,000,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE*	\$0 or (More than <u>\$8,000,000</u>)	<u>\$0</u>	<u>\$0</u>

*The potential fiscal impact of “(More than \$8,000,000)” would be realized only if a special election were called by the Governor to submit this joint resolution to voters.

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for a special election	\$0 or More than \$8,000,000	\$0	\$0
<u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor	\$0 or (More than <u>\$8,000,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<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

This constitutional amendment, if approved by the voters, modifies various provisions relating to constitutional amendments.

**VOTER APPROVAL THRESHOLD
(SECTIONS 2(B) AND 3(C))**

Current law provides that any proposed constitutional amendment or new constitution shall take effect when approved by a simple majority of the votes cast on the measure. This amendment requires all proposed constitutional amendments and new constitutions to receive a majority of the votes cast statewide as well as a majority of the votes cast in at least a majority of the state house districts.

**RESTRICTIONS ON CONSTITUTIONAL AMENDMENTS
(SECTION 2(C) AND 2(F))**

The amendment prohibits constitutional amendments that would permit public officials to receive gifts from lobbyists.

Additionally, the General Assembly is given exclusive authority to enact laws enforcing provisions in the Constitution relating to initiative petitions proposing constitutional amendments.

**PROHIBITING FOREIGN ACTIVITY IN INITIATIVE PETITIONS
(SECTION 2(D))**

The amendment creates new restrictions relating to foreign government activity with respect to initiative petitions proposing constitutional amendments. Specifically, it shall be unlawful for:

- A government of a foreign country or a foreign political party to sponsor an initiative petition proposing a constitutional amendment;
- A government of a foreign country or a foreign political party to directly or indirectly make contributions in connection with an election on a constitutional amendment or contributions in support or opposition to a constitutional amendment;
- A government of a foreign country or a foreign political party to directly or indirectly make an expenditure, independent expenditure, or disbursement for an electioneering communication, whether print, broadcast, or digital media, or otherwise, related to a constitutional amendment; or
- A person to solicit, accept, or receive a contribution or donation from a government of a foreign country or a foreign political party, in connection with a constitutional amendment.

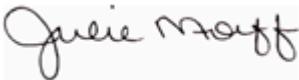
LEGAL VOTERS AND ELECTORS
(SECTION 2(E))

No person shall be eligible to vote on any measure submitted to the people that amends, repeals, or replaces the constitution, whether submitted through the initiative petition process, by the General Assembly, or by a constitutional convention, unless such person is a legal resident of the state of Missouri and a citizen of the United States of America.

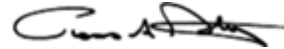
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State
Missouri House of Representatives
Missouri Senate
St. Louis City Board of Elections
St. Louis County Board of Elections



Julie Morff
Director
January 31, 2024



Ross Strobe
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January 31, 2024