

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

LR No.: 1857-01
Bill No.: SB 569
Subject: Secretary of State: Elections
Type: Original
Date: March 10, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$37,009)	(\$40,811)	(\$41,833)
Total Estimated Net Effect on General Revenue Fund	(\$37,009)	(\$40,811)	(\$41,833)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Highway	(\$16,800)	\$0	\$0
Total Estimated Net Effect on Other State Funds	(\$16,800)	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government *	\$0	(Unknown)	(Unknown)

* Cost on a statewide basis would be expected to exceed \$100,000 annually.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of Secretary of State** assume the state by making a 5% match from the General Revenue Fund would receive approximately \$9,000,000 to up-grade the state's election system, and provide for a centralized data-base system.

Oversight assumes the 5% matching money would come from the General Revenue Fund and would be greater than \$100,000 annually. According to Secretary of State officials, the 5% matching monies are in current budget request; therefore, Oversight will not show them as a cost in this fiscal note.

Officials of the **Office of State Treasurer** assume that with the creation of two new funds and with the wording in this proposal, their office would require 1 FTE, an Accounting Analyst I, to monitor disbursements. Officials estimate personal service cost for 10 months of FY 2004 at \$23,442; and \$28,833 in FY 2005; and \$29,554 in FY 2006. Officials estimate equipment cost in FY 2004 at \$4,080; and in FY 2005 at \$309; and \$318 in FY 2006. Total cost estimated including fringe benefits are \$37,009 in FY 2004; \$40,811 in FY 2005; and \$41,833 in FY 2006.

ASSUMPTION (continued)

Officials of the **Department of Revenue- Division of Motor Vehicles** stated this proposal requires changes to the voter registration process that is incorporated in the driver license application system. Officials assume programming modifications would be made to the over-the-counter driver licensing system. Officials estimate a one-time cost for contracted programming at \$8,000, internal programming at \$4,000, and internal testing at \$4,800. Total estimated cost to the Highway Fund in FY 2004 is \$16,800.

Officials of the **Departments of Corrections** assume no fiscal impact.

Officials of the **Department of Health and Senior Services-Vital Statistics** assume no fiscal impact.

Officials of the **Kansas City Board of Election Commission** stated that this proposal would increase the cost of elections in their jurisdiction by approximately 15%. Officials stated that a November (even year) election runs about \$350,000. 15% of \$350,000 would be \$52,500. Officials stated that the increase would not be one-time but ongoing.

Franklin County Clerk officials assume there would be fiscal impact related for printing and postage of registration applications and provisional ballots and envelopes and postage on provisional ballots by absentee. Costs are unknown.

Cape Girardeau County Clerk officials assume there would be an undetermined costs associated with this proposal.

Platte County Board of Election Commission officials assume there would be fiscal impact from this proposal. Officials estimate additional costs in FY 2004 would be approximately \$32,750. This estimate does not include new computers, and other equipment. Officials assume an annual cost of maintenance agreements on new computers and other equipment at \$33,000 in ensuing years.

Officials of the **Greene County Clerk's** office assume no fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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GENERAL REVENUE FUND

*** Cost on a statewide basis is expected to exceed \$100,000 in election years**

FISCAL IMPACT - Small Business

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

DESCRIPTION

This act modifies provisions of election law, many of which assist in compliance with the federal Help America Vote Act of 2002 ("HAVA").

The Secretary of State is responsible for overseeing state compliance with HAVA, including the establishment of state-based administrative complaint procedures to remedy grievances concerning a violation of Title III of HAVA, and providing voter registration information to absent uniformed services voters regarding elections for federal office (Section 28.035).

The Governor shall appoint election commissioners who are not of the same political party as the Governor from a list submitted by the state committee of that party. The Governor may appoint additional nonvoting representatives to the Boards of Election Commissioners (Section 115.027).

The act provides that federal funds may be used for loan programs to local election authorities and allows, but does not require, local election authorities to match the federal funds (Sections 115.074, 115.076, 115.098, and 115.801). The "Election Administration Improvements Fund" is created for the purpose of improving the administration of elections in the state. A revolving loan fund is established for improving the administration of elections through loans (Section 115.078).

A statewide pool for election judges is created and requires election authorities, before appointing judges from another jurisdiction, to obtain written consent from the election authority of the jurisdiction where the prospective judges are registered to vote. Employees of the state and boards are allowed to serve as election judges (Section 115.085).

Procedures for the naming of challengers and watchers are created. Challengers and watchers must be registered voters from the jurisdiction of the election authority for which the challenger or watcher is designated (Sections 115.105 and 115.107).

Courts shall not have the authority to order a candidate or issue to be placed on the ballot less than six weeks before the date of election, except as otherwise authorized by law (Section 115.125).

As required by HAVA, certain information is added to the voter registration form in Section 115.155. An applicant that fails to answer a question on U.S. citizenship shall be notified by the election authority and given the opportunity to complete the form. Election authorities are

required to forward registration and other data to the Secretary of State in order to comply with HAVA (Section 115.157).

In order to comply with HAVA, the act creates the Missouri Voter Registration System, which is a computerized statewide voter registration list. The system shall be implemented by January 1,

DESCRIPTION (continued)

2004, unless a delay is approved until January 1, 2006. The system replaces the "Centralized Voter Registration System". The Secretary of State and local election authorities shall cooperate in updating the system on a regular basis and may use the system for the collection and dissemination of election results. Information collected for the system shall not be used for commercial purposes, as defined in the act (Section 115.158).

The act modifies provisions relating to the identification requirements for persons registering by mail as mandated by HAVA (Section 115.159). Provided that certain requirements are met, an election authority may send a voter identification card to a post office box (Section 115.163). A definition for "overseas voter" is created with regard to absentee voting and procedures are created for absentee voting by uniformed and overseas voters (Sections 115.275 and 115.279).

Election authorities may deliver absentee ballots not earlier than 10 weeks before an election. Current law allows the ballots to be delivered not earlier than six weeks (Section 115.284). The act modifies provisions relating to certain confined persons who qualify for delivery of their absentee ballots by a team appointed by the election authority. The act repeals the ability of certain relatives to deliver the absentee ballot. The act changes the color of a stamp on the ballot envelope (Section 115.287). Special write-in absentee ballots may be requested for special or primary federal elections in addition to general elections (Section 115.292). The act modifies the information that must be included on a sample ballot posted on election day, as required by HAVA (Section 115.417).

The act provides that a provisional ballot cast at the wrong polling place will not be counted as authorized by HAVA, but that voters should be directed to the correct polling place. Pursuant to HAVA, the Secretary of State shall ensure that a toll-free number or internet website for provisional voters is established. An individual who votes after a court order extends the polling hours shall cast a provisional ballot which shall be separated from other provisional ballots, in accordance with HAVA (Section 115.430).

The act corrects a reference in Section 115.761 to indicate that the presidential primary is held in February. The Secretary of State is authorized to prepare fair ballot language statements on statewide measures within 20 days of receiving a statewide ballot measure (Section 116.025).

This legislation is not federally mandated, would not duplicate any other program and would not

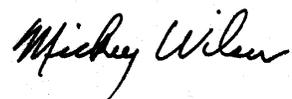
require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Secretary of State
Department of Revenue
Office of State Treasurer
Kansas City Board of Election Commission
Greene County Clerk
Platte County Board of Election Commission
Franklin County Clerk
Cape Girardeau County Clerk

NOT RESPONDING

The County Clerks of : Callaway, Cass, Johnson, Warren, St. Charles, Jefferson, Marion, and the
St. Louis County Board of Election Commission



Mickey Wilson, CPA
Director
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