

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4081-02
Bill No.: HB 1788
Subject: Elections; Political Parties; Secretary of State
Type: Original
Date: February 15, 2010

Bill Summary: Changes the laws regarding the circulation of petitions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	\$0	\$0	\$17,000
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$17,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume the passage of this bill could generate up to \$17,000 to be deposited into the state's general revenue fund. Based on the 2008 initiative petition process, 55 petitions were submitted to the SOS, 18 were withdrawn, and 3 were certified as sufficient for the 2008 general election ballot.

55 petitions submitted - 18 withdrawn = 37 deposits
37 deposits - 3 petitions certified for the ballot = 34 deposits forfeited
34 forfeited deposits x \$ 500 = \$17,000 deposited to state's general revenue fund

Oversight assumes that the constitutional amendment petitions, statutory initiative petitions and referendum petitions can only be placed on a general election ballot. Therefore the November 2012 general election in FY 2013 is the only election effected by the legislation for the time period covered by this fiscal note.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Platte County Board of Election Commission** assume approximately \$300/petition for staff to review and certify signatures/petitions to the taxing authority. Number of petitions to review is unknown in any given year.

Officials at the **Jackson County Board of Election Commission** assume this will have an impact on the taxing authorities in their jurisdiction for having a special election. Cost would range from \$1,800 to \$550,000 per election.

Oversight assumes this language explains how taxing authorities can place tax rate changes on the ballot. Oversight assumes no fiscal impact from this language.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2009 average \$16.04 per inmate, per day or an annual cost of \$5,855) or through supervision provided by the Board of Probation

ASSUMPTION (continued)

and Parole (FY 2009 average \$3.71 per offender, per day or an annual cost of \$1,354).
 The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials at the **Cass County, Office of the State Courts Administrator, Kansas City Board of Election Commission** and the **Office of the State Public Defender** assume that there is no fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE			
<u>Revenue - Secretary of State</u>			
Petition deposit	<u>\$0</u>	<u>\$0</u>	<u>\$17,000</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>\$0</u>	<u>\$17,000</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<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 bill changes the laws regarding initiative petitions and referendums. In its main provisions, the bill:

- (1) Requires a petition circulator to be a United States citizen and a Missouri resident;
- (2) Specifies that a petition circulator cannot have been convicted of, found guilty of, or pled guilty to any offense involving forgery;
- (3) Prohibits the compensation of petition circulators on a per-signature basis;
- (4) Requires petition circulators to supply certain information to the Office of the Secretary of State verifying their eligibility and to swear by affidavit that they comply with the requirements of the bill;
- (5) Specifies that signatures collected before the circulator registers with the Secretary of State or signatures collected by circulators who have violated the payment-per-signature requirement will not be counted;
- (6) Specifies that anyone who knowingly signs any name other than his or her own to any petition will be guilty of a class one election offense;
- (7) Requires a refundable deposit of \$500 for filing a ballot measure for certification by the Secretary of State. If the ballot measure is not certified, the deposit will be forfeited to the General Revenue Fund; but a person may withdraw and resubmit a petition without paying an additional deposit if it is withdrawn before the Secretary of State's rejection of the petition; and
- (8) Establishes a mechanism for reducing the tax rate imposed by any taxing authority by voter petition. If at least 33% of the registered voters petition for a lower tax rate, their proposal must be considered at the next regular election; and if 66% or more registered voters approve the petition, it will take effect. The election process and tax rate adjustment process are specified in the bill.

The provisions regarding petition circulators and knowingly signing a false name on a petition become effective January 1, 2011.

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
Cass County
Platte County Board of Election Commission
Jackson County Board of Election Commission
Office of the Attorney General
Kansas City Board of Election Commission
Department of Corrections
Office of the State Courts Administrator
Office of the State Public Defender



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