

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0321-12  
Bill No.: SCS for HCS for HB 117  
Subject: Elections; Constitutional Amendments; Secretary of State  
Type: Original  
Date: May 7, 2013

---

Bill Summary: This proposal modifies the law relating to initiative and referendum petitions.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume this proposal requires the SOS to post a petition sample along with the full text of the proposed measure on its website within two business days of receipt of the petition sample. This would cause a significant increase in web developer time dealing with petitions. This is because currently only petitions approved for circulation are posted whereas, this bill would require all submitted sample petitions to be posted. There were 80 petition samples submitted in the 2012 fiscal year. Based on the 2012 fiscal year this will cost at least

Approximate time to post a petition to the SOS website: One hour.  
Anticipated number of sample petitions per fiscal year (based on FY 2012 ): 80  
Anticipated number of rejected and withdrawn petitions per FY (based on FY 2012): 20  
Per-hour web developer cost: \$31.49  
Cost per fiscal year:  $(\$31.49 \times 80) + (\$31.49 \times 20) = \$3,149$

This proposal will reduce the time allowed for SOS to review submitted petition sample sheets as to form by 15 days. This reduction will require an additional staff attorney, costing the state at least \$45,000 to be able to meet the new time constraint.

**Oversight** assumes SOS could absorb the review of submitted petition sample sheets with existing resources. Should the number of petition sample sheets reach the number for a new FTE the new FTE could be sought through the appropriation process.

**Oversight** assumes SOS could absorb the cost of posting information on the website with existing resources.

Officials at **Legislative Research, Missouri Ethics Commission, Office of the State Auditor** and **Office of State Courts Administrator** each assume there is no fiscal impact to their organization from this proposal.

Officials at the **Office of Attorney General (AGO)** assume that any potential costs resulting from this proposal could be absorbed with existing resources.

In response to a previous version of this proposal, officials at the **Office of Prosecution Services** assume no impact on their organization; however, the creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes regarding petition signatures, a new D felony. Failure to report signature fraud would become a Class A misdemeanor. Malicious obstruction of the signing of a petition would become a new misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

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 2012 average \$17.059 per inmate, per day or an annual cost of \$6,227) or through supervision provided by the Board of Probation and Parole (FY 2012 average \$4.960 per offender, per day or an annual cost of \$1,810).

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.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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

The proposed legislation appears to have no direct fiscal impact.

The proposal contains an effective date, 4 November 2014.

The proposal contains a severability clause.

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

Department of Corrections  
Legislative Research  
Missouri Ethics Commission  
Office of Attorney General  
Office of Prosecution Services  
Office of the Secretary of State  
Office of State Courts Administrator  
Office of the State Auditor  
Office of the State Public Defender



Ross Strobe  
Acting Director  
May 7, 2013