

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

LR No.: 3617-06
Bill No.: SCS for HS for HCS for HB 1150
Subject: Elections: Campaign Finance
Type: Original
Date: May 7, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	\$10,000	\$10,000	\$10,000
Total Estimated Net Effect on General Revenue Fund	\$10,000	\$10,000	\$10,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
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 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight assumes that the **Office of State Court Administrator** assume that appeals of decisions of the Mo. Ethics Commission would be appealed to the Cole County Circuit Court. Officials stated that they would not expect the number of appeals to be so great as to have a fiscal impact on the Courts.

Officials of the **Office of Secretary of State** assume no fiscal impact.

Officials of the **Missouri Ethics Commission** stated this proposal would annually increase the State's General Revenue Fund by approximately \$10,000, due to the annual lobbyist registration fee. Officials assume no fiscal impact to the Commission.

Oversight assumes no local fiscal impact.

Officials of the **Office of Attorney General** assume any cost arising due to this proposal could be absorbed with current appropriations.

ASSUMPTION (continued)

Officials of the **Department of Corrections** assume if additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

Officials stated 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.**

Due to timing local election boards were not able to respond.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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GENERAL REVENUE FUND

<u>Income</u> to Mo. Ethics Commission from annual lobbyist fee	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
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ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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	\$0	\$0	\$0
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FISCAL IMPACT - Small Business

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

DESCRIPTION

This substitute changes the laws regarding ethics and campaign contribution disclosures. In its main provisions, the substitute: (1) Requires lobbyists to file verified registration forms with the Missouri Ethics Commission no later than January 5 of each year or five days after beginning lobbyist activities and deletes the requirement that lobbyists provide the commission with a summary of legislation they supported or opposed (Section 105.473, RSMo); (2) Changes the dates when the financial interest statements must be filed (Section 105.487); (3) Gives lobbyists and other individuals the right to appeal a late fee assessment on a disclosure report (Sections 105.492 and 105.963); (4) Requires certain complaints regarding campaign finance disclosure report violations to be filed within 30 days of the filing of the report; requires that the person named in the complaint be given the complainant's name, address, and telephone number; permits the commission to assess reasonable investigation and defense costs against persons filing complaints when the commission finds the complaints to be motivated by malice or reasons contrary to the spirit of the law; makes the complaint a closed record until the commission completes its investigation and renders its findings and conclusions and makes late fee assessments closed records until close of the next business day after assessment and nonpayment; and subjects persons who disclose the fact of the complaint or the late fee assessment while it is still a closed record to a civil penalty not to exceed \$2,500 and a criminal penalty not to exceed \$2,500 and/or a term of imprisonment not to exceed one year (Sections 105.957, 105.963, and 130.054); (5) Changes the language regarding the notice that must be given to subjects of complaints and commission investigations from actual notice to notice and changes the body to which they may appeal commission actions from the Administrative Hearing Commission to the circuit court of Cole County (Section 105.961); (6) Deletes direct dollar amounts from various sections limiting campaign contributions and instead references the section setting the base amount and the method of computing the biennial increase (Sections 130.011 and 130.046); (7) Allows candidates or committees who file with the local election authorities to not report the name and account number of bank accounts (Section 130.021); (8) Changes wording from the campaign finance review board to Missouri Ethics Commission (Section 130.036); (9) Eliminates the requirement of filing campaign finance disclosure reports with an election authority if the reports have been filed electronically with the commission and the candidate has filed a declaration that electronic filing will be used exclusively (Section 130.041); (10) Requires persons requesting to inspect or copy disclosure reports to provide photo identification (Section 130.042); (11) Reorganizes various sections regarding reporting requirements for out-of-state committees and candidates nominated by political party committees

DESCRIPTION continued

(Sections 130.049 and 130.050); (12) Changes from \$15,000 to \$5,000 the amount of contributions which triggers the requirement for continuing committees to file electronic reports and extends the requirement to political party committees and campaign committees (Section 130.057); (13) Moves a section regarding nomination of candidates from Section 130.050 to Section 130.062 (Section 130.062); (14) Deletes the requirement that the commission print and make available a summary of all laws for which they have enforcement powers (Section 105.973); (15) Requires a governor-elect to form a gubernatorial inaugural committee, which will be subject to all the requirements of the campaign finance disclosure laws. No public funds may be spent on a gubernatorial inaugural activity until the committee is formed. For any governor-elect not seeking re-election, any funds remaining in the committee's account will escheat to the state; (16) Requires the House of Representatives and the Senate to form legislative inaugural committees, which will be subject to all the requirements of the campaign finance disclosure laws. No public funds may be spent on a legislative inaugural activity until the committee is formed, and any funds remaining in the committee's account will escheat to the state; and (17) Establishes the commission as the filing officer for all other persons required to file a financial statement for which no filing officer is otherwise designated.

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

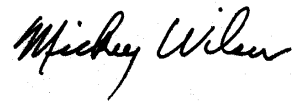
SOURCES OF INFORMATION

Missouri Ethics Commission
Office of Secretary of State
Office of State Courts Administrator
Office of the Attorney General
Department of Corrections

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NOT RESPONDING

None

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
May 7, 2004