

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

LR No.: 2207-03
Bill No.: HCS for HB 948
Subject: Elections
Type: Original
Date: April 11, 2005

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|----------------------------------|----------------------------------|----------------------------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| General Revenue | (\$12,500 to Unknown) | (\$15,450 to Unknown) | (\$15,914 to Unknown) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | (\$12,500 to Unknown) | (\$15,450 to Unknown) | (\$15,914 to Unknown) |

* Less than \$100,000

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| 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 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|-------------------------|-------------------------|-------------------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| Local Government | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |

FISCAL ANALYSIS

ASSUMPTION

Office of Attorney General officials assume any costs could be absorbed with existing resources.

Officials of the **Secretary of State's Office** stated they would have to register voter registration solicitors. Over 1 million voter registration cards were sent out and the number of participants/volunteers in voter registration drives is large so the number of solicitors would also be large. The cost to the office would be for half an FTE or equivalent dollars for temp agency costs to supply someone for data input - estimated at \$15,000.

The Secretary of State's Office will also be required by statute to investigate, report on, and possibly refer cases submitted as Help America Vote Act complaints. The state has included similar language in our rules to be in compliance with HAVA. The Secretary of State's office received only a single complaint last year but making this a statutory and visible requirement of law should be expected to increase the number of such complaints. The additional cost is unknown because it is not possible to estimate how many complaints might be received. However, Sec. of State Blunt estimated the cost of this requirement when the rule was published in 2003 at \$8,500 calculated by assuming 25 grievances per year times 20 hours time spent on each grievance at \$17 per hour for the hourly rate of the employee handling the grievance. The estimated rulemaking cost is \$738.

ASSUMPTION (continued)

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials of the **Department of Corrections** stated this proposal creates a new class four election offense, punishable by fine and up to one-year imprisonment.

Officials stated they cannot predict the number of new commitments which may result from the creation of the offense outlined in this proposal. Officials stated fiscal impact would depend upon utilization by Prosecutors and actual sentences imposed by the Court.

Officials assume their would be compliance with this new law and impact would be \$0 or a minimal amount that could be absorbed with existing resources.

Officials of the **Office of State Court Administrator** and **Office of Prosecution Services** assume no fiscal impact.

Officials of the **Kansas City Board of Election Commission** assume this bill makes certain procedural changes and increases steps that election authorities must take. No entirely new programmatic activity is entailed, but increased complexity can have a fiscal impact.

The cost of an election might increase by 1.5 to 2%. If the cost of a November General Election in the KCBEC were \$300K, the increase could entail several thousand dollars: staff, overtime, materials and the like.

In response to almost identical legislation the following fiscal impact statements were issued:

Officials of the **St. Louis County Board of Election Commission** assumes there would be no fiscal impact.

Officials of the **Nodaway County Clerk's Office** assume no fiscal impact.

Oversight assumes fiscal impact, on a statewide basis, to local election authorities would be \$0 to (unknown). Some election authorities assumed no fiscal impact while others expected some fiscal impact.

| | | | |
|---|---------------------|---------|---------|
| <u>FISCAL IMPACT - State Government</u> | FY 2006 (10 Mo.) | FY 2007 | FY 2008 |
|---|---------------------|---------|---------|

GENERAL REVENUE FUND

| | | | |
|---|---|---|---|
| <u>Cost</u> to Secretary of State | | | |
| Temp agency for data | (\$12,500) | (\$15,450) | (\$15,914) |
| HAVA complaint investigation * | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT TO GENERAL REVENUE FUND | <u>(\$12,500 to Unknown)</u> | <u>(\$15,450 to Unknown)</u> | <u>(\$15,914 to Unknown)</u> |

* Cost of investigating complaints would depend upon the number of complaints filed in a given year. Oversight assumes unknown costs would not exceed \$100,000 annually

| | | | |
|---|---------------------|---------|---------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2006 (10 Mo.) | FY 2007 | FY 2008 |
|---|---------------------|---------|---------|

**CITY/COUNTY ELECTION
AUTHORITIES**

| | | | |
|---|------------------------------------|------------------------------------|------------------------------------|
| <u>Cost</u> to City/County Election Authorities from additional duties | \$0 to <u>(Unknown)</u> | \$0 to <u>(Unknown)</u> | \$0 to <u>(Unknown)</u> |
| ESTIMATED NET EFFECT TO LOCAL GOVERNMENT | <u>\$0 to (Unknown)</u> | <u>\$0 to (Unknown)</u> | <u>\$0 to (Unknown)</u> |

FISCAL IMPACT - Small Business

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

DESCRIPTION

This bill changes the laws regarding elections. In its main provisions, the bill:

- (1) Prohibits any compensation based on the number of voters registered or registration applications collected and submitted by a person. Persons who collect registration applications are prohibited from destroying, defacing, or concealing them, and any registration application

DESCRIPTION (continued)

collected by a person must be submitted to the election authority within seven days. Any violation of these provisions is a class four election offense (Section 115.203, RSMo);

(2) Requires persons who are compensated for soliciting more than 10 voter registration applications to register with the Secretary of State as voter registration solicitors and provide certain personal information. Failure to register or providing false information is a class three election offense (Section 115.205);

(3) Establishes procedures for filing complaints with the Secretary of State alleging violations of the Help America Vote Act of 2002 and for the Secretary of State to investigate the complaints. If a violation is identified, the Secretary of State will determine and provide the appropriate remedy (Section 115.219);

(4) Requires voters whose names have been removed from the registration records to file judicial appeals within certain time limits (Section 115.223);

(5) Establishes procedures to determine a voter's eligibility to vote at a given polling place and, if eligibility cannot be determined in a timely manner, authorizes the voter to cast a provisional ballot after completing an affidavit. Procedures are detailed for handling, verifying, accepting or rejecting, and counting provisional ballots. State courts do not have jurisdiction to extend polling hours, but certain state officials have authority to extend the hours during a declared state wide emergency (Section 115.430);

(6) Establishes standards for counting ballots in jurisdictions using punch card, optical scan, and paper ballot voting systems and for determining voter intent. Write-in stickers are allowed under certain circumstances (Section 115.456);

(7) Prohibits electioneering or conducting exit polls within 50 feet of a polling place to 25 instead of the current 25 feet (Section 115.637); and

(8) Repeals Section 115.126 authorizing election authorities to implement an advanced voting system.

DESCRIPTION (continued)

(9) Adds Section 115.289 that creates the Voter Privacy Protection Act. Some provisions of this act are as follows:

(A). Applications for an absentee ballot are to remain confidential. No longer will a candidate or his or her representative of a campaign committee, or any person with written permission from a candidate, or any person that has applied for an absentee ballot, be allowed to obtain a copy of the list of absentee applicants.

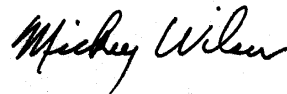
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Secretary of State
Office of State Court Administrator
Department of Corrections
St. Louis County Board of Election Commission
Kansas City Board of Election Commission
Office of Prosecution Services
Nodaway County Clerk

NOT RESPONDING

Jackson County Board of Election Commission
Cass County Clerk
Callaway County Clerk
Johnson County Clerk
Greene County Clerk
Jasper County Clerk
Butler County Clerk
Warren County Clerk



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Director
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