

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1769-02  
Bill No.: HCS for HB 681  
Subject: Attorney General, State; Elections; Governor and Lt. Governor; Secretary of State; Treasurer, State  
Type: Original  
Date: March 10, 2009

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Bill Summary: This proposal provides for special elections to fill vacancies in the offices of Lieutenant Governor, Attorney General, Secretary of State, State Auditor, and State Treasurer.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	\$0 or (\$1,200,000)	\$0 or (\$1,200,000)	\$0 or (\$1,200,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0 or (\$1,200,000)</b>	<b>\$0 or (\$1,200,000)</b>	<b>\$0 or (\$1,200,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<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 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<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>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<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>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **FISCAL ANALYSIS**

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### **ASSUMPTION**

Officials at the **Office of the Secretary of State** assume if a special election is called rather than being voted on at a general election, the cost of the special election has been estimated to be \$1.2 million based on the cost of the past two such elections.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**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.

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 **Office of the State Auditor, Office of the Lieutenant Governor, Office of the State Treasurer** and the **St. Louis County** assume that there is no fiscal impact from this proposal.

Officials at the **Cass County** assume some fiscal impact depending on when the special election is held. If it is held at a normal election date, but in an off-year, there would be some fiscal impact. County assumes an unknown impact.

Officials at the **Clinton County** assume election costs due to filling vacancies.

**Oversight** assumes that if a special election is needed to fill one of the vacant statewide office holders positions then the election would cost \$1.2 million. If no election is needed then there is

ASSUMPTION (continued)

no cost. Oversight has shown this as "\$0 or \$1.2 million".

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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**GENERAL REVENUE FUND**

Cost - Secretary of State Election Div.  
 special election cost

<u>\$0 or</u> <u>(\$1,200,000)</u>	<u>\$0 or</u> <u>(\$1,200,000)</u>	<u>\$0 or</u> <u>(\$1,200,000)</u>
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**ESTIMATED NET EFFECT ON  
 GENERAL REVENUE FUND**

<u>\$0 or</u> <u>(\$1,200,000)</u>	<u>\$0 or</u> <u>(\$1,200,000)</u>	<u>\$0 or</u> <u>(\$1,200,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, most statewide offices, except for the Office of the Governor, allow for gubernatorial appointments in the case of a vacancy in the office. This bill requires special elections to be held in the case of vacancies in the offices of the Lieutenant Governor, Attorney General, Secretary of State, State Auditor, and State Treasurer. If there is an impeachment proceeding for one of these officers, the Governor will temporarily administer the duties of the office until the trial; and if there is a conviction, the special election process will be used to fill the vacancy.

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

JH:LR:OD

SOURCES OF INFORMATION

Office of the Attorney General  
Office of the State Auditor  
Office of the Secretary of State  
St. Louis County  
Cass County  
Office of the Lt. Governor  
Office of the State Treasurer  
Clinton County

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

Mickey Wilson, CPA  
Director  
March 10, 2009