

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3284-01
Bill No.: HB 1556
Subject: Elections; Secretary of State
Type: Original
Date: March 17, 2010

Bill Summary: Changes provisions relating to election judges.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)

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 7 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 Administration** assume if the proposed legislation were to pass, the state would be impacted. Because of the variables involved, it would be difficult to calculate an actual dollar amount. Should an employee be called to serve as an election judge, they would be paid by the state for their absence. The state would incur a loss of productivity during that absence, and possibly a financial cost to replace that employee during their absence. That cost could involve a temporary employee at the same rate of pay, or it could be overtime for an existing employee, which could involve compensatory time or additional salary at a rate of time and a half.

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 **Missouri Department of Transportation (MoDOT)** assume that current MoDOT policy does not provide paid time off to work the polls and/or act as an election judge, but does allow employees to use annual leave or compensatory time for these activities. It is unclear the impact to the MoDOT as the number of employees is unknown. It is expected to be less than \$100,000 per year.

Oversight assumes that since the policy is requiring public service and may effect state employees that the state will adopt a policy regarding employee time off for election judge service. Oversight assumes any impact to the state would be less than \$100,000 per year.

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 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.

JH:LR:OD

ASSUMPTION (continued)

- 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 **St. Louis County Board of Election Commission** assume this bill would provide for a consistent and reliable pool of election judge resources to the LEA which would insure a positive voting experience to its citizens. This positive impact cannot be delineated into a dollar amount. There would be however, a onetime, startup costs associated with programming requirements to develop and implement the "Election Judge Selection System" and notification processes. There would however, be significant recurring cost savings to the LEA in judge recruitment and training with the passage of this bill.

1st Year (2011) Recurring Fixed Costs (Annual):

Notification Preparation	\$1,728
Notification Mailing costs	\$ 910
Savings in recruitment and training (1 FTE for 6 months)	<u>\$25,000</u>
Total Recurring Annual Savings:	\$22,362

Non-recurring, Start up Costs

Programming Requirements	<u>\$15,000</u>
Total non-recurring Costs:	\$15,000

Total Savings 1st Year (2011)	\$ 7,362
Total Savings 2nd Year (2012)	\$22,362
Total Savings 3rd Year (2013)	\$22,362

Officials at the **Cass County** assume an unknown impact due to enforcement and administration of this proposal.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime regarding election offenses, including failure to serve as an election judge and threatening an election judge.

ASSUMPTION (continued)

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. 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 competent and effective representation in all its cases.

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

Officials at the **Office of the Secretary of State, Missouri Department of Conservation, Office of Prosecution Services, Platte County Board of Election Commission, Office of the State Courts Administrator** and the **Department of Labor and Industrial Relations** assume that there is no fiscal impact from this proposal.

No other Board of Election Commission or Local Election Authority responded to **Oversight's** request for fiscal impact. Oversight assumes that any costs associated with this proposal would be offset by the savings from this proposal and net to zero.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
---	---------------------	---------	---------

GENERAL REVENUE

<u>Cost</u> - time off for employees to serve as election judges	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,00)</u>
--	--------------------------------------	--------------------------------------	-------------------------------------

ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</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

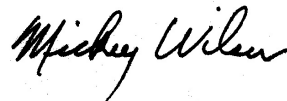
This bill requires a registered voter to serve as an election judge if he or she is randomly selected in accordance with the procedures determined by the election authority. No citizen registered to vote can be excluded from selection as a result of discrimination. The election authority must notify the selected individuals by a letter mailed at least 15 days before the reporting date. Individuals chosen as judges must report for training at the time and place designated by the election authority. Any person who refuses, neglects, or fails to serve without good and sufficient reason will be guilty of a class C misdemeanor, and anyone who fails to serve for the appointed term without good and sufficient reason will be guilty of a class B misdemeanor.

Information about the identity of election judges or other election workers is confidential until after the election has been held. Employers may not subject an employee who is chosen as an election judge to any specified adverse actions. Any person who threatens to terminate, coerces, or attempts to coerce an election judge will be guilty of a class B misdemeanor. Any person who imposes any type of monetary or non-monetary penalty, including firing an employee or reducing vacation time, for his or her employee's service as an election judge will be guilty of a class D felony.

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

Cass County
Office of the Attorney General
Missouri Department of Conservation
Office of Prosecution Services
Platte County Board of Election Commission
Office of the State Public Defender
Office of the Secretary of State
Missouri Department of Transportation
St. Louis County Board of Election Commission
Office of the State Courts Administrator
Department of Corrections
Department of Labor and Industrial Relations

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

Mickey Wilson, CPA
Director
March 17, 2010