

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0285-04
Bill No.: SCS for SB 2
Subject: Elections; Secretary of State
Type: Original
Date: March 19, 2013

Bill Summary: This proposal requires the Secretary of State to post certain initiative and referendum material on its website.

FISCAL SUMMARY

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

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

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 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 approved petitions are posted whereas this proposal would require all petitions to be posted. There were 80 petitions submitted in the 2012 fiscal year. Based on the 2012 fiscal year this will cost at least \$3,149.

Approximate time to post a petition to the SOS website: One hour.

Anticipated number of petitions per fiscal year (based on FY2012): 80

Anticipated number of rejected and withdrawn petitions per fiscal year (based on FY2012): 20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 the **Office of Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Department of Corrections (DOC)** assume the penalty provisions would be the component of the bill to have potential fiscal impact for DOC, which is a class D felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

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 of direct offender costs either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per

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ASSUMPTION (continued)

inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender.)

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.

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 misdemeanor and one new felony.

While the number of new cases 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 at the **Office of Prosecution Services** assume no fiscal impact. 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.

Officials at the **Joint Committee on Legislative Research** assume that the committee members' reimbursement and additional staff costs for the required public hearings could be handled with existing appropriations.

ASSUMPTION (continued)

Officials at the **Kansas City Board of Election Commission, Missouri Ethics Commission, Office of State Courts Administrator, Platte County Board of Election Commission** and the **Office of the State Auditor** each assume there is no fiscal impact to their organization from this proposal.

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

The proposed legislation appears to have no fiscal impact.

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
Joint Committee on Legislative Research
Kansas City Board of Election Commission
Missouri Ethics Commission
Office of Attorney General
Office of Prosecution Services
Office of the Secretary of State
Office of the State Auditor
Office of State Courts Administrator
Office of the State Public Defender
Platte County Board of Election Commission



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