

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2529H.01I  
Bill No.: HB 1303  
Subject: Elections  
Type: Original  
Date: April 8, 2021

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Bill Summary: This proposal modifies provisions relating to election offenses.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue	\$0 to (\$19,390)	\$0 to (\$47,467)	\$0 to (\$64,555)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to (\$19,390)</b>	<b>\$0 to (\$47,467)</b>	<b>\$0 to (\$64,555)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** assume the proposal modifies class one election offenses to include coercing, intimidating, or pressuring a voter to vote in a certain manner and attempting to verify the result of such acts by obtaining photographic evidence of such voter's ballot.

Section 115.637 – Repeals a provision prohibiting voters from allowing their ballots to be seen.  
 Section 115.631 – The offense of coercing, intimidating, or pressuring a voter is a Class D felony; therefore, the intent of the bill is to create a felony offense equal to a class D felony.

The DOC has no data related to these offenses and will use a standard D felony response to estimate a fiscal impact to this legislations. For each new nonviolent class D felony, the department estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
<b>Change (After Legislation - Current Law)</b>										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
<b>Cumulative Populations</b>										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
<b>Impact</b>										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
<b>Population Change</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>27</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	3	(\$7,756)	(\$19,390)	5	absorbed	\$0	(\$19,390)
Year 2	6	(\$7,756)	(\$47,467)	10	absorbed	\$0	(\$47,467)
Year 3	8	(\$7,756)	(\$64,555)	16	absorbed	\$0	(\$64,555)
Year 4	8	(\$7,756)	(\$65,846)	19	absorbed	\$0	(\$65,846)
Year 5	8	(\$7,756)	(\$67,163)	22	absorbed	\$0	(\$67,163)
Year 6	8	(\$7,756)	(\$68,506)	22	absorbed	\$0	(\$68,506)
Year 7	8	(\$7,756)	(\$69,876)	22	absorbed	\$0	(\$69,876)
Year 8	8	(\$7,756)	(\$71,274)	22	absorbed	\$0	(\$71,274)
Year 9	8	(\$7,756)	(\$72,699)	22	absorbed	\$0	(\$72,699)
Year 10	8	(\$7,756)	(\$74,153)	22	absorbed	\$0	(\$74,153)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's estimated impact for fiscal note purposes. However, from information provided by the Office of the State Courts Administrator, **Oversight** could not find any guilty dispositions from Sections 115.631 or 115.637 in the last three fiscal years. Therefore, Oversight will range the fiscal impact from \$0 to the DOC estimates.

Officials from the **Attorney General's Office, Missouri Highway Patrol, Office of the Secretary of State, Office of the State Public Defender, Missouri Office of Prosecution Services, and Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

Officials from the **Platte County Board of Elections and St. Louis County Board of Elections** both assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other local election authorities were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
<u>Cost - DOC</u> (\$115.631) Increased incarceration costs	<u>\$0 to</u> <u>(\$19,390)</u>	<u>\$0 to</u> <u>(\$47,467)</u>	<u>\$0 to</u> <u>(\$64,555)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>\$0 to</u></b> <b><u>(\$19,390)</u></b>	<b><u>\$0 to</u></b> <b><u>(\$47,467)</u></b>	<b><u>\$0 to</u></b> <b><u>(\$64,555)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT – Small Business

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

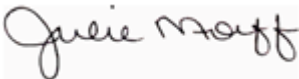
### FISCAL DESCRIPTION

This bill repeals an existing law preventing a voter from allowing his or her ballot to be seen by another individual with the intent of showing how he or she voted. It also creates a class one election offense for coercing or forcing a voter to vote in a certain manner and to take a ballot picture in order to verify their vote.

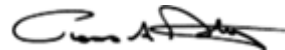
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Missouri Highway Patrol  
Office of the Secretary of State  
Office of the State Public Defender  
Office of the State Courts Administrator  
Missouri Office of Prosecution Services  
Platte County Board of Elections  
St. Louis County Board of Elections



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