

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4468H.01I
Bill No.: HB 2140
Subject: Elections; County Officials
Type: Original
Date: February 3, 2022

Bill Summary: This proposal modifies provisions relating to elections.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- ☐ 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	Unknown	Unknown	Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State (SOS)** assume this bill would allow voters who have moved from one county to another after the registration deadline for any given election to update their registration in person at the office of their local election authority on Election Day and be eligible to vote, so long as their existing registration was not previously cancelled.

The change in the registration deadline will require programming changes to the Missouri Centralized Voter Registration database in order to ensure that newly-registered voters are eligible for each election. The SOS anticipates that these changes should be accomplished under existing contracts as part of a regular upgrade release cycle. However, it is possible that specialized programming outside of standard contracts may be required to accomplish the necessary changes. The cost of the technical resources that would be needed in such a situation is unknown.

Oversight assumes any additional costs arising from this proposal can be absorbed with existing personnel and resources. However, the SOS may seek additional appropriations if there is a significant increase for technical resources. Therefore, Oversight assumes the SOS will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SOS for fiscal note purposes.

The **SOS** also assumes 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 \$5,000. 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 require additional resources.

Officials from the **Department of Revenue (DOR)** state:

§115.151.3

Requires the Department to transmit voter registration application forms to the appropriate

election authority and modifies the requirement to transmit no later than three business days after the form is completed by the applicant.

§115.160.3

Requires the Department to utilize electronic voter registration application forms and to ensure the confidentiality and integrity of the data collected, maintained, received, or transmitted.

§115.160.5

Requires the Department to transmit voter registration information in a secure and electronic manner, including electronic image of the signature of the applicant, in a format compatible with the Missouri voter registration system established in §115.158. The proposed changes further define that each election authority receiving application forms must forward any application that pertains to a different election authority that that election authority in a secure and electronic manner.

The Department and the Office of the Secretary of State are currently working to complete a project to implement an electronic exchange of voter registration application information, including the signature, which is currently scheduled to be completed in early 2022. Such implementation would meet the provisions of this bill, assuming there is not an expectation for the Department to submit data to each individual county election authority. Therefore, any cost associated with this legislation has already been absorbed.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this provision.

Officials from the **Office of the State Public Defender, Department of Corrections, Department of Public Safety- Missouri Highway Patrol, Missouri Office of Prosecution Services, and Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Jackson County Board of Elections, Platte County Board of Elections, and St. Charles County Board of Elections** each assume the proposal will have no fiscal impact on their organization.

Officials from the **St. Louis County Board of Elections** assume Section 115.160.3 will have the DMV electronically transfer voter registrations to the office would save 350 hours of work a year. At the lowest temporary employee salary, this would save \$13,000 annually.

Officials from the **Daviess County Clerk** assume this legislation will lead to voter fraud by allowing voters to register (and vote) on the day of the election in multiple counties. There is no way to verify a voter has not already voted at their previous county before allowing them to register and vote in another county. These ballots would need to be handled as provisional ballots, with personnel working after the election to verify they had not voted in their previous

county of registration in order to count their ballot - and this provision is not in this bill. This legislation would cost considerable manpower and state their office is small. They estimate \$2,000 - \$3,000 in additional labor costs per election.

Officials from the **Greene County Clerk** assume the proposal will have an unknown fiscal impact.

Oversight notes that §115.160 states the Director of Revenue shall utilize electronic voter registration application forms and provide for secure electronic transfer of voter registration information to election authorities. As stated above by the St. Louis County Board of Elections there would be a savings as a result of electronic registrations. Therefore, Oversight will reflect an unknown positive impact to local election authorities in the fiscal note.

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

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
LOCAL POLITICAL SUBDIVISIONS			
<u>Savings</u> - §115.160.3 Electronic registrations p. 8	Unknown	Unknown	Unknown
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</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 changes election laws. In its main provisions the bill:

- (1) Removes obsolete references to ballot cards and requires voting machines to be air gapped as a security measure (Section 115.013, 115.417, 115.447, RSMo);
- (2) Removes the one year voter and residency requirement for election commissioners, but retains the requirements of voter registration and residency at the time of appointment (Section 115.031);
- (3) Exempts board of election commissioners and clerk employees from requirement to reside or register within the jurisdiction in which they serve (Sections 115.045 and 115.051);
- (4) Allows appointment of election judges who reside outside the requisite election authority's jurisdiction without the need for written consent from the election authority in whose jurisdiction the potential judge resides. Procedures for selecting election judges from lists submitted by political party committees is specified (Section 115.081; 115.085);
- (5) Repeals specified registration exceptions for intrastate new residents and authorizes registration in the state of Missouri for such individuals (Section 115.135);
- (6) Authorizes the Department of Revenue to use electronic applications when sending materials to election authorities under the existing voter registration program in place at the Division of Motor Vehicles and Drivers Licensing, within the Department of Revenue. Electronic applications shall be sent no later than three business days after completion of a form. The electronic applications shall be secure and in a format compatible with the existing Voter Registration System under Section 115.158. The Secretary of State and Director of Revenue shall guarantee the security and transmission of electronic data. Images of signatures may be used for the purpose of voter registration (Sections 115.151, 115.160, 115.960);
- (7) Restricts voter information released by election authorities by eliminating the date of birth and prohibiting uses for commercial purposes. Certain requirements to release such information to the general public are also repealed or modified (Sections 115.157 and 115.289);
- (8) Allows registered voters to file change of address forms in person on Election Day (Sections 115.165);
- (9) Defines absentee ballots as those authorized to be cast away from a polling place or in the office of the election authority or other authorized location designated by the election authority. References to Space Force are included for purposes of voting processes and electronic ballot information authorized for the armed forces (Sections 115.257, 115.275);

(10) Allows use of absentee ballots to vote in person with a form of personal identification as specified in the bill. Notarization requirements are also specified in the bill depending upon the excuse for voting absentee and whether or not voting is conducted in person. Affidavit forms are modified. The casting of in person absentee ballots with photographic identification is authorized only if courts uphold the constitutionality of photographic identification requirements as specified in the bill (Sections 115.277 and 115.279, 115.283);

(11) Allows voter assistance in cases of temporary confinement due to illness or physical disability on election day, but repeals specific COVID-19 references to mail-in ballots that have expired (Sections 115.287, 115.291, and 115.652);

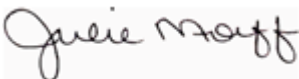
(12) Specifies that once a ballot is deposited in the ballot box, then it is deemed cast (115.435); and

(13) Repeals expired Section 115.302, which allowed mail in ballots during the COVID-19 crisis and other sections referencing obsolete COVID-19 laws (Section 115.652).

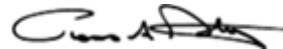
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State
Department of Revenue
Department of Corrections
Missouri Highway Patrol
Office of the State Public Defender
Office of the State Courts Administrator
Missouri Office of Prosecution Services
Jackson County Board of Elections
Platte County Board of Elections
St. Charles County Board of Elections
St. Louis County Board of Elections
Daviess County Clerk
Greene County Clerk



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February 3, 2022



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