

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4535H.01P
 Bill No.: Perfected HJR 104
 Subject: Elections; Constitutional Amendments
 Type: Original
 Date: April 9, 2024

Bill Summary: This proposal modifies constitutional provisions about elections and voting.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	\$0 or (More than \$8,000,000)	\$0	\$0
Total Estimated Net Effect on General Revenue	\$0 or (More than \$8,000,000)**	\$0	\$0

*The potential fiscal impact of “(More than \$8,000,000)” would be realized **only** if a special election were called by the Governor to submit this joint resolution to voters.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Local Government	\$0*	\$0 or (Unknown)	\$0 or (Unknown)

*Transfer out and transfer in net to zero **if** the Governor calls a special election.

FISCAL ANALYSIS

ASSUMPTION

Officials from **Office of the Secretary of State (SOS)** assume, each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, Joint Resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a Joint Resolution to a vote of the people, section 115.063.2 RSMo requires the state to pay the costs. The cost of the special election has been estimated to be \$8 million based on the cost of the 2023 primary and general election reimbursements.

The Secretary of State's office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

For the FY24 petitions cycle, the SOS estimates publication costs at \$60,000 per page. This amount is subject to change based on number of petitions received, length of those petitions and rates charged by newspaper publishers.

The Secretary of State's office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of the publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Oversight has reflected, in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2024. This reflects the decision made by the Joint Committee on Legislative Research that the cost of the elections should be shown in the fiscal note. The next scheduled statewide primary election is in August 2024 and the next scheduled general election is in November 2024 (both in FY 2026). It is assumed the subject within this proposal could be on one of these ballots; however, it could also be on a special election called for by the Governor (a different date).

Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2025.

In response to this legislation the **Greene County Clerk** states if any voting machine is prohibited they would have to hand-tally.

The range of costs based off of these hand-tallying would be 95,772.69 to 513,065.34 for a Presidential Election.

If these Sections are to institute that ONLY two election judges are to be the designated counters and then, the other two election judges would be the recording judges at each polling location it is estimated that Greene County would need one polling location per 400 active voters. This would take the Greene County polling location number from 76 assigned locations to 576 (575.80) polling locations.

Average Polling Location Cost per Location: 1,452 (416 for supplies, 100 for rent, 11 for delivery, and 925 for election judge stipends).

Total Polling Location Estimated Cost: 836,260

The cost estimate would be in total for the range of 95,773 to 836,260 in addition to all of the other election costs required by statute and standard practices.

Oversight notes that only the Greene County Clerk responded to this fiscal note request. Since other counties may incur a cost Oversight is presenting the fiscal impact as \$0 or (Unknown) costs to local governments.

Oversight notes that Section 25 requires every voting machine used for the purpose of counting and tabulating results in the state of Missouri shall be tested and certified as secure prior to each election in which the machine will be used.

Officials from the **Missouri Senate**, the **Missouri House of Representatives**, the **Platte County Board of Elections**, the **Jackson County Election Board**, the **St. Louis City Board of Elections** and the **St. Louis County Board of Elections** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

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 listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Transfer Out</u> - SOS - reimbursement of local election authority election costs if a special election is called by the Governor	\$0 or (More than <u>\$8,000,000</u>)*	\$0	\$0
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or (More than <u>\$8,000,000</u>)*	\$0	\$0

*SOS has updated the estimated cost of a statewide special election after examining actual reimbursement costs for the General Primary and General Election during 2022.

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for a special election	\$0 or More than <u>\$8,000,000</u> *	\$0	\$0
<u>Costs</u> – Local Election Authorities Testing and certifying voting machines	\$0	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor	\$0 or (More than <u>\$8,000,000</u>)*	\$0	\$0
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	\$0	\$0 or (Unknown)	\$0 or (Unknown)

*SOS has updated the estimated cost of a statewide special election after examining actual reimbursement costs for the General Primary and General Election during 2022.

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

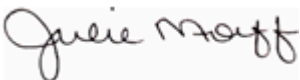
Upon voter approval, this Constitutional amendment specifies that only citizens of the United States are considered legal voters, that all elections shall be by paper ballot or any mechanical method prescribed by law, that voters are entitled to only one vote for each office or issue on a ballot, and that the candidate receiving the greatest number of votes in a primary election shall be the only candidate for that party in the following general election.

This resolution requires every voting machine in use by an election authority to be tested and certified in accordance with federal standards prior to each election in which it is used. Further, it provides that the General Assembly may by law, require or prohibit the use of any voting machine.

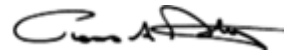
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State
Missouri House of Representatives
Missouri Senate
Platte County Board of Elections
Jackson County Board of Elections
St. Louis City Board of Elections
St. Louis County Board of Elections
Greene County Clerk's Office



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