

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0304H.02P  
Bill No.: Perfected HCS for HB Nos. 126 & 367  
Subject: Elections; Federal - State Relations  
Type: Original  
Date: April 1, 2025

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Bill Summary: This proposal modifies provisions relating to elections.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2030)</b>
General Revenue	(\$8,737)	(\$21,389)	More than (\$8,032,276)	(\$56,746)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$8,737)</b>	<b>(\$21,389)</b>	<b>More than (\$8,032,276)</b>	<b>(\$56,746)</b>

\*Costs of approximately \$8 million in March 2028 (FY 2028) for holding a Presidential Preference Primary Election.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2030)</b>
<b>Total Estimated Net Effect on <u>Other State</u> Funds</b>	<b>\$0</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>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
<b>Total Estimated Net Effect on FTE</b>	<b>0</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>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>(Unknown)</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Sections 115.123, 115.277, 115.283, 115.291, 115.351, 115.755, 115.758, 115.761, 115.765, 4 115.767, 115.770, 115.773, 115.776, 115.785, and 115.904 – Elections

Officials from the **Office of the Secretary of State (SOS)** assume this bill would reinstate the presidential preference primary (PPP) election which was previously held in March of any presidential election year. The projected impact is estimated to be \$8 million based on the cost of the 2022 primary and general election reimbursements, to be first incurred in FY 2028. As this election is scheduled for the first Tuesday in March, it may coincide with the municipal primary elections held by charter counties (scheduled for the Tuesday following the first Monday of March); in this case, proportional cost sharing may reduce the state's obligations for this election.

**Oversight** notes section 115.785 states all costs of a presidential preference primary shall be paid by the state and for any county with more than five hundred polling places, the state shall assist in assuring adequate poll workers and equipment. The payment of election costs is subject to appropriation by the General Assembly. However, if they assume that the presidential preference primary were to be fully appropriated as it has been in years past, SOS anticipates a cost of \$8 million. Oversight has reflected, in this fiscal note, an \$8 million cost due to reinstating the requirement to hold a PPP. The next scheduled Presidential Preference Primary election would be in March 2028 (FY28). As this election is scheduled for the first Tuesday in March, it may coincide with the municipal primary elections held by charter counties (scheduled for the Tuesday following the first Monday of March); in this case, proportional cost sharing may reduce the state's obligations for this election. Therefore, Oversight will reflect a potential election cost for reimbursement to local political subdivisions in FY 2028.

In addition, **SOS** states this bill would require to assist in assuring adequate poll workers and equipment for counties containing more than 500 polling places. For the most recent general election held in November 2024, no county claimed to operate more than 500 polling places. However, at least two counties did claim more than 500 precincts at that election, so there may be a potential cost if these counties were forced to open additional polling places. The scope of such potential cost is unknown.

**Oversight** cannot determine if particular counties will be operating more than 500 polling places in FY 2028. Therefore, Oversight will also reflect a \$0 to unknown cost to the state for the potential cost of poll workers and equipment for counties containing more than 500 polling places.

The **Office of the Secretary of State (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 **Platte County Board of Elections** state adding the Presidential Primary in March would cost about \$100,000.

In response to the previous version, officials from the **Kansas City Election Board** assumed the cost of a citywide election is roughly \$800,000.

In response to a similar proposal, HB 367 (2025), officials from the **St. Louis City Board of Elections** stated the cost of a city-wide election which this legislation would require would cost \$500,000. It is unclear what the cost of conducting no-excuse absentee voting would be beginning 6 weeks out from a scheduled election in comparison to the 2 week period available now. While initially there could be, depending on how voting was conducted, a negative impact, 6 weeks of new excuse voting, because it extends the in person absentee period, could result in a cost savings as fewer polling places would result ultimately in a cost savings.

Officials from the **St. Louis County Board of Elections** assume the proposal will have no fiscal impact on their respective organization.

In response to the previous version, officials from the **Jackson County Election Board** assumed the proposal will have no fiscal impact on their organization.

**Oversight** notes section 115.785 states all costs of a presidential preference primary shall be paid by the state and for any county with more than five hundred polling places, the state shall assist in assuring adequate poll workers and equipment. Therefore, the fiscal note will reflect the cost and reimbursement to local election authorities netting to zero.

Subsection 115.123.2 states the presidential primary will be held on the second Tuesday after the first Monday in March, which has already occurred in 2024. Oversight will assume the primary will next occur in 2028.

## **House Amendment 1**

### **Sections 115.125, 115.127, 115.277, 115.284, 115.430, 115.453 and 115.635- Modifies provisions relating to elections**

Officials from the **Department of Corrections (DOC)** state the proposal creates new class three election offenses. Section 115.635 is modified to include descriptions of offenses related to tampering with an election official. The penalty associated with these offenses is deemed a misdemeanor, unless actions result in death or bodily injury to an election official or their family, in which case the penalty is a class B felony.

As misdemeanors fall outside the purview of DOC, there is no impact to DOC for the offense resulting in a misdemeanor. The offense resulting in a class B felony would be considered a new crime. As there is little direct data on which to base an estimate, the department estimates an impact comparable to the creation of a new class B felony.

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and 4 additional offenders on field supervision by FY 2034.

#### **Change in prison admissions and probation openings with legislation-Class B Felony**

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
<b>Cumulative Populations</b>										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
<b>Impact</b>										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
<b>Population Change</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>9</b>

\* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$28.73 per day or an annual cost of \$10,485 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$100.25 per day or an annual cost of \$36,591 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

If the incarcerated population impact of any one piece of legislation, or combined impact of multiple pieces of legislation, results in a prison population that exceeds the current physical capacity of 26,835, the state would need to construct additional capacity. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$10,485)	(\$8,737)	0	\$0	0	(\$8,737)
Year 2	2	(\$10,485)	(\$21,389)	0	\$0	0	(\$21,389)
Year 3	2	(\$10,485)	(\$32,726)	0	\$0	0	(\$32,726)
Year 4	2	(\$10,485)	(\$44,507)	0	\$0	0	(\$44,507)
Year 5	2	(\$10,485)	(\$56,746)	0	\$0	0	(\$56,746)
Year 6	2	(\$10,485)	(\$57,881)	0	\$0	1	(\$57,881)
Year 7	2	(\$10,485)	(\$59,039)	0	\$0	2	(\$59,039)
Year 8	2	(\$10,485)	(\$60,220)	0	\$0	3	(\$60,220)
Year 9	2	(\$10,485)	(\$61,424)	0	\$0	4	(\$61,424)
Year 10	2	(\$10,485)	(\$62,653)	0	\$0	4	(\$62,653)

**DOC** states all other sections from the underlying bill have no impact.

In response to similar legislation, HCS for HB 507 (2025), officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

In response to similar legislation, HCS for HB 507 (2025), officials from the **Office of the State Courts Administrator** assumed 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.

Officials from the **Kansas City Election Board** state if this legislation passes there could be a cost savings in security that they are required to have during every election.

**Oversight** will not reflect the savings in the fiscal note because we do not know how many Election Authorities have security.

Officials from the **Jackson County Election Board**, the **Platte County Board of Elections** and the **St. Louis County Board of Elections** each assume no fiscal impact from this legislation.

### Rule Promulgation

Officials from the **Office of the Secretary of State (SOS)** note 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 its 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.

### House Amendment 2

#### Section 105.695 – Prohibition on Expenditures

In response to similar legislation, HCS for HB Nos. 735 & 686 (2025), officials from **MoDOT & Patrol Employees' Retirement System (MPERS)** stated Section 105.695 is a new section that will prevent the contribution or expenditure of system funds to advocate, support, or oppose the passage or defeat of a ballot measure. This will not impact MPERS, as it is not authorized in the governing statutes to make such contributions or expenditures. No fiscal impact.

In response to similar legislation, HCS for HB Nos. 735 & 686 (2025), officials from the **Missouri State Employee's Retirement System (MOSERS)** stated the prohibition of using system funds to advocate, support, or oppose ballot measures or candidates in section 105.695 would have no fiscal impact.

Officials from **Public Schools and Education Employee Retirement Systems (PSRS/PEERS)** state as currently drafted, this bill does not appear to have a fiscal and operational impact on PSRS and PEERS of Missouri, as it appears to be in line with the Systems' current practices.

PSRS/PEERS provide retirement benefits to approximately 132,000 active members and over 110,000 retired Missouri public school teachers, school employees, and their families. The total invested assets of both PSRS and PEERS were \$58.7 billion as of June 30, 2024.

Officials from the **County Employees' Retirement Fund (CERF)** state Section 105.695 has no fiscal impact to the County Employees' Retirement Fund. The Board of Directors state they have made no contributions or expenditures, as described in proposed statute 105.695, from system funds. The Board has adopted a policy that is almost identical to the proposed statute 105.695.

The other sections in the bill have no fiscal impact to the County Employees' Retirement Fund.



In response to similar legislation, HCS for HB Nos. 735 & 686 (2025), officials from the **Kansas City Civilian Police Employees' Retirement** and the **Kansas City Police Retirement System** stated the new section in 105.695 significantly limits the ability of public pension systems to proactively protect their interests and ensure their long-term sustainability.

Public pension systems often play a critical role in advocating for legislative or policy changes that directly affect their operations, funding, and the benefits provided to members. This provision may prevent systems from using funds to advocate for necessary reforms or measures that ensure the system's sustainability, such as funding increases or structural adjustments.

For example, if a ballot measure proposed reductions to employer contributions, the inability to advocate against such a measure could leave the system vulnerable to underfunding and jeopardize its actuarial soundness.

Retirement systems are fiduciaries responsible for acting in the best interests of their members and retirees. Restrictions on advocating for or against measures that materially affect the system undermine this fiduciary duty and may result in adverse outcomes for members, such as reduced benefits or increased contributions. Educating stakeholders, including members, retirees, and the public, about ballot measures or legislative proposals impacting the retirement system could be interpreted as "advocacy." This restriction could limit the system's ability to ensure informed decision-making by those directly affected. A ballot initiative aiming to reduce or eliminate defined benefit plans might move forward without the system being able to clarify the long-term fiscal and economic consequences of such a change.

The prohibition against using system funds for committee debts or obligations could create ambiguity about permissible activities, including hiring consultants, actuaries, or legal advisors to analyze or challenge legislation or ballot measures with significant implications for the system. If a measure impacting the system's funding model passes, the system may face challenges in engaging external resources to address resulting compliance or legal issues.

Based on the majority of responses, **Oversight** assumes this provision would not have a material direct fiscal impact. Oversight assumes the potential negative impact as estimated by the Kansas City Civilian Police Employees' Retirement and the Kansas City Police Retirement System is speculative and, for purposes of this fiscal note, will not reflect the impact in the fiscal note.

### **House Amendment 1 to House Amendment 2**

#### **§§115.105 and 115.107 – Election Challengers**

In response to similar legislation, HCS for HB 638 (2025), officials from the **Office of the Secretary of State** assumed the proposal will have no fiscal impact on their respective organization.

In response to similar legislation, HCS for HB 638 (2025), officials from the **Kansas City Election Board**, the **Jackson County Election Board**, the **Platte County Board of Elections**,

the **St. Louis City Board of Elections** and the **St. Louis County Board of Elections** each assumed this proposal will have no fiscal impact on their organizations.

Oversight notes that the above mentioned agency has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Responses regarding the proposed legislation as a whole

Officials from the **Office of the State Public Defender, University of Missouri, and University of Central Missouri, Missouri State Employee's Retirement System** 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 for these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other county clerks and local election authorities 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 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2030)
<b>GENERAL REVENUE</b>				
<u>Cost</u> - SOS §115.785 Reimbursement of local election authority election costs for PPP	\$0	\$0	\$0 or more than (\$8,000,000)	\$0
<u>Cost</u> – DOC §115.635 Increased Incarceration Costs	(\$8,737)	(\$21,389)	(\$32,276)	(\$56,746)
<b>ESTIMATED NET EFFECT TO GENERAL REVENUE</b>	<b><u>(\$8,737)</u></b>	<b><u>(\$21,389)</u></b>	<b><u>More than (8,032,276)</u></b>	<b><u>(\$56,746)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2030)
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
<u>Reimbursement</u> - Local Election Authorities - §115.785 reimbursement of election costs	\$0	\$0	\$0 or More than \$8,000,000	\$0
<u>Cost</u> - Local Election Authorities §115.785 - holding PPP election	\$0	\$0	\$0 or (More than \$8,000,000)	\$0
<u>Cost</u> – Local Election Authorities - Election expenses not covered by State	\$0	\$0	(Unknown)	\$0
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>(Unknown)</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 proposal modifies provisions relating to elections.

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  
Office of the Secretary of State  
Attorney General's Office  
Office of the State Public Defender  
Public Schools and Education Employee Retirement Systems of Missouri  
County Employees' Retirement Fund  
Platte County Board of Elections  
St. Louis County Board of Elections  
University of Central Missouri



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Jessica Harris  
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