

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1752H.04C  
Bill No.: HCS for HB 794  
Subject: Elections; County Officials  
Type: Original  
Date: March 5, 2025

---

Bill Summary: This proposal creates limitations on actions permitted by local election authorities.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
<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 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Local Government*</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

\*Oversight assumes the fine revenue will not exceed the \$250,000 threshold annually.

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§115.1630 – Limitations on Actions by Election Authorities**

In response to a previous version, officials from the **Office of Administration - Budget and Planning (BAP)** state this bill prohibits the state from soliciting or receiving any funds or in-kind goods for election administration. This bill also prohibits state memberships with entities who engage in election administration or receive foreign funding directly or through donations. This bill adds a Class B Misdemeanor for violation of any of these provisions which carries a maximum penalty of six months in jail or a \$500 fine. Article IX, Section VII of the Missouri Constitution requires that penalties, forfeitures, and fines collected for violations of state law be distributed to schools. To the extent any additional revenue is deposited into the State Treasury from fines resulting from violations ruled as Class B Misdemeanors by this proposal, Total State Revenue may increase. It is also important to note that SB 81 (2021) was passed and restricts the use of private funds for the administration of elections, including acceptance of donations for election-related purposes.

**Oversight** notes that violations of section 115.1630 could result in fines or penalties. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fines vary widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Officials from the **Department of Corrections (DOC)** state subsection 3 of the proposal appears to suggest that no government entity shall purchase any services from an entity unless the entity completes a certification. This certification must be renewed annually. Using a broad definition of services because the proposed legislation does not define them; in FY24, DOC procured services from over 500 different entities. Any delay could be a safety and security issue. The DOC would need to add one Procurement Officer I position (\$81,043) to maintain the annual certifications.

**Oversight** assumes DOC is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOC could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, then DOC could request funding through the appropriation process. Therefore, Oversight will show no fiscal impact for this proposal.

Officials from the **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by this change to Section 115.1630 would take approximately fourteen hours of SPD work for reasonably effective representation. If

one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional attorney. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses. However, if the charge was classified as a class D misdemeanor no jail time would be authorized and the cases would not qualify for SPD representation.

**Oversight** assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Office of the Secretary of State, the Department of Labor and Industrial Relations, the Missouri Department of Agriculture, the Department of Higher Education and Workforce Development, the Department of Health and Senior Services, the Department of Mental Health, the Department of Economic Development, the Office of Administration - Administrative Hearing Commission, the Department of Commerce and Insurance, the Department of Elementary and Secondary Education, the Department of Natural Resources, the Department of Revenue, the Department of Public Safety (Division of Alcohol and Tobacco Control, Office of the Director, Missouri Veterans Commission, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri Highway Patrol, State Emergency Management Agency), the Department of Social Services, the Missouri Department of Conservation, the Missouri Ethics Commission, the Missouri Department of Transportation, the Missouri National Guard, the MoDOT & Patrol Employees' Retirement System, the Office of the State Treasurer, Office of the Lieutenant Governor, the Missouri Office of Prosecution Services, Office of the State Courts Administrator, the Missouri Consolidated Health Care Plan, the State Tax Commission, the Office of the State Auditor, the Missouri House of Representatives, the Joint Committee on Administrative Rules, the Joint Committee on Education, the Joint Committee on Public Employee Retirement, Legislative Research, the Oversight Division, the Missouri Senate, the Missouri Lottery Commission, the Petroleum Storage Tank Insurance Fund, the Missouri State Employee's Retirement System, Kansas City, the Platte County Board of Elections, the Jackson County Election Board, the St. Louis City Board of Elections, City of Osceola 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.

In response to a previous version, officials from the **Office of the Governor, the Office of Administration, the University of Missouri System and the City of O'Fallon** each 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 **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation.

**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.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties and school districts 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
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>SCHOOL DISTRICT FUNDS</b>			
<u>Revenue</u> – Potential fine revenue from violations of §115.1630 p. 3	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
<b>ESTIMATED NET EFFECT ON SCHOOL DISTRICT FUNDS</b>	<u><b>\$0 to Unknown</b></u>	<u><b>\$0 to Unknown</b></u>	<u><b>\$0 to Unknown</b></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 prohibits any government entity from soliciting, accepting, or using any funds or in-kind goods or services for election administration, unless the funds or in-kind goods or services are of de minimis value or provided by another government entity.

The bill also prohibits any government entity or election officer from joining the membership of any entity, participating in any program, or purchasing services from any entity unless the entity complies with certain certification requirements, as provided in the bill.

If an election officer joins the membership of such an entity in his or her private capacity, the officer has a duty to disclose that information. The information required to be included in and the requirements for publication of the disclosure are provided in the bill.

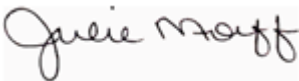
A violation of this section will be a class B misdemeanor.

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 Administration  
    Budget and Planning  
    Office of the Commissioner  
    Administrative Hearing Commission  
Department of Corrections  
Office of the State Public Defender  
Department of Commerce and Insurance  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Higher Education and Workforce Development  
Department of Health and Senior Services  
Department of Mental Health  
Department of Natural Resources  
Department of Labor and Industrial Relations  
Department of Revenue  
Department of Public Safety  
    Division of Alcohol and Tobacco Control  
    Capitol Police  
    Fire Safety  
    Office of the Director  
    Missouri Gaming Commission  
    Missouri Highway Patrol  
    Missouri Veterans Commission  
    State Emergency Management Agency  
Department of Social Services  
Office of the Governor  
Missouri Department of Agriculture  
Missouri Department of Conservation  
Missouri Ethics Commission  
Missouri Department of Transportation  
Missouri National Guard  
MoDOT & Patrol Employees' Retirement System  
Petroleum Storage Tank Insurance Fund

Office of the Secretary of State  
Office of the State Treasurer  
University of Missouri System  
Office of the State Auditor  
Missouri House of Representatives  
Joint Committee on Administrative Rules  
Joint Committee on Education  
Joint Committee on Public Employee Retirement  
Legislative Research  
Oversight Division  
Missouri Senate  
Missouri Lottery Commission  
Missouri Consolidated Health Care Plan  
Missouri State Employee's Retirement System  
State Tax Commission  
Kansas City  
O'Fallon  
Jackson County Election Board  
Platte County Board of Elections  
St. Louis City Board of Elections  
St. Louis County Board of Elections  
Attorney General's Office  
Missouri Office of Prosecution Services



Julie Morff  
Director  
March 5, 2025



Jessica Harris  
Assistant Director  
March 5, 2025