

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3353H.02I
Bill No.: HJR 3
Subject: General Assembly; Constitutional Amendments
Type: Original
Date: September 4, 2025

Bill Summary: This joint resolution creates the "Protect Missouri Voters" amendment.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	\$0 or (More than \$8,000,000)	\$0 up to (\$15,082,074)	\$0 or (\$83,415)
Total Estimated Net Effect on General Revenue	\$0 or (More than \$8,000,000)*	\$0 up to (\$15,082,074)**	\$0 or (\$83,415)

*The potential fiscal impact “(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.

**The estimated cost (\$15 million) to print and mail the full text of the petition would be incurred at least once in each odd-numbered fiscal year, since at least one statewide initiative has appeared on the ballot in each election cycle since approximately 1990.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Various State Funds*	\$0 or Less than \$250,000	\$0 or Less than \$250,000	\$0 or Less than \$250,000
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or Less than \$250,000	\$0 or Less than \$250,000	\$0 or Less than \$250,000

*The court costs for a Class A Misdemeanor offense go to various state and local funds.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	0 FTE	0 or 1 FTE	0 or 1 FTE
Total Estimated Net Effect on FTE	0 FTE	0 or 1 FTE	0 or 1 FTE

- ☒ 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 2026	FY 2027	FY 2028
Local Government*/**	\$0 or Less than \$250,000	\$0 or Less than \$250,000	\$0 or Less than \$250,000

*The potential fiscal impact to local election authorities (reimbursed by the state) would be realized only if a special election were called by the Governor to submit this joint resolution to voters.

**The fine revenue for a Class A Misdemeanor offense goes to local school districts and court costs go to various state and local funds.

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 2022 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 FY26 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 2026. 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 general election is in November 2026 (FY 2027). It is assumed the subject within this proposal could be on this ballot; 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 2026.

Officials from the **Office of the Secretary of State** assume this joint resolution would require the SOS hold in-person or web-based hearing to accept public comments on each initiative petition draft submitted to the office. The Elections Division would require an additional FTE to oversee such hearings and prepare the required transcripts at an initial salary of \$47,376 beginning in FY 2027.

Additionally, this joint resolution would require the full text of all statewide ballot measures proposed by the initiative to be made available to individual voters at the time they receive a ballot, in addition to the postings and publications already required by law or the constitution. Since many rural polling places may not have Internet access to successfully allow for digital distribution, the SOS assumes that the state will be responsible for printing and distributing physical printed copies of the text to all local election authorities statewide. The amount of text varies from election to election, but within the last four election cycles there have been as many as 75 legal-sized pages. Using the current standards for legal notice (newspaper print using 6-point type), the cost to produce 3,500,000 copies of 75 pages each and distribute them across the state could range between \$12-15 million per election at which statewide ballot measures are submitted to the people by the initiative. It is anticipated that this charge will be incurred at least once in each odd-numbered fiscal year, since at least one statewide initiative has appeared on the ballot in each election cycle since approximately 1990.

It should also be noted that absentee ballot postage costs will also increase by an unknown amount, since a paper copy of the measure text would need to be included in each absentee ballot packet, increasing the weight and therefore the postage required to mail such packets.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the estimated impact by the SOS in the fiscal note.

Officials from the **Office of the State Public Defender** state that by creating the new offense petition signature fraud, a class A misdemeanor, a person charged with this crime, who qualifies for the Public Defender, will require representation. Per the National Public Defense Workload Study, the new charge contemplated by this amendment to Article III would take approximately twenty-two 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.

Oversight also notes the provisions of Section 54 provides that any person who commits the crime of petition signature fraud is guilty of a class A misdemeanor. Class A misdemeanors carry a penalty for each offense in addition to any individual county/municipal fees and court costs. The fine revenue for the offense goes to local school funds and court costs go to various state and local funds. Oversight assumes there will be some (less than \$250,000) amount of fine revenue from violations of the statute. Therefore, the impact to various state funds and local governments will be presented as less than \$250,000. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed:

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

Officials from the **Office of Attorney General (AGO)** assume 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.

Officials from the **Office of the State Courts Administrator**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Ethics Commission**, the **Missouri House of Representatives**, the **St. Louis County Board of Elections** and the **Platte 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, various county officials 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
GENERAL REVENUE FUND			
<u>Transfer out</u> – SOS – reimbursement of local election authority election costs <u>if</u> a special election is called by the Governor	\$0 or (More than \$8,000,000)	\$0	\$0
<u>Cost</u> – SOS		\$0 or...	\$0 or...
Personal Service	\$0	(\$48,324)	(\$49,290)
Fringe Benefits	\$0	(\$33,750)	(\$34,125)
<u>Total Cost</u>	\$0	(\$82,074)	(\$83,415)
FTE Change	0 FTE	0 or 1 FTE	0 or 1 FTE
<u>Cost</u> – SOS – printing and mailing full text	\$0	\$0 up to (\$15,000,000)*	\$0
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	\$0 or (More than \$8,000,000)	\$0 up to (\$15,082,074)*	\$0 or (\$83,415)
*This cost would be incurred at least once in each odd-numbered fiscal year.			
Estimated Net FTE Change on General Revenue	0 FTE	0 or 1 FTE	0 or 1 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
VARIOUS STATE FUNDS			
<u>Revenue</u> – (Section 54) Court costs	\$0 or Less than <u>\$250,000</u>	\$0 or Less than <u>\$250,000</u>	\$0 or Less than <u>\$250,000</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	\$0 or Less than <u>\$250,000</u>	\$0 or Less than <u>\$250,000</u>	\$0 or Less than <u>\$250,000</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> – (Section 54) Court costs	\$0 or Less than \$250,000	\$0 or Less than \$250,000	\$0 or Less than \$250,000
<u>Revenue</u> – Schools (Section 54) Fine revenue	\$0 or Less than \$250,000	\$0 or Less than \$250,000	\$0 or Less than \$250,000
<u>Transfer in</u> – Local Election Authorities – reimbursement of election costs by the State for a special election	\$0 or (More than \$8,000,000)	\$0	\$0
<u>Cost</u> – Local Election Authorities – cost of a special election if called for by the Governor	\$0 or (More than \$8,000,000)	\$0	\$0
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	\$0 or Less than <u>\$250,000</u>	\$0 or Less than <u>\$250,000</u>	\$0 or Less than <u>\$250,000</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

The proposed legislation Creates the "Protect Missouri Voters" amendment.

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
Attorney General's Office
Missouri Ethics Commission
Department of Public Safety - Missouri Highway Patrol
Office of the State Public Defender
Missouri House of Representatives
Office of the State Courts Administrator
Platte County Board of Elections
St. Louis County Board of Elections



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