

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3353H.03P
Bill No.: Perfected HCS for HJR 3
Subject: General Assembly; Constitutional Amendments
Type: Original
Date: September 8, 2025

Bill Summary: This proposal 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 (\$1,000,000)**	\$0
Total Estimated Net Effect on General Revenue	\$0 or (More than \$8,000,000)*	\$0 up to (\$1,000,000)**	\$0

*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 (\$1 million) to print and mail the full text of the petition would be incurred at least once in each odd-numbered fiscal year, 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 violation 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
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 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 violation goes to local school districts and court costs go to various state and local funds.

FISCAL ANALYSIS

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

ASSUMPTION

In response to the previous version, officials from the **Office of the Secretary of State (SOS)** assumed, 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 FY27 petitions cycle, the SOS estimates publication costs at \$50,000 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, they reserve the right to request funding to meet the cost of their 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.

In response to the previous version, officials from the **Office of the Secretary of State** assumed this joint resolution would require the full text of all statewide ballot measures proposed by the initiative to be made available to each voter at the time they receive a ballot, in addition to the postings and publications already required by law or the constitution. 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 to include in each absentee voter's ballot packet, as well as several for each polling place to supplement each jurisdiction's electronic release capabilities. The amount of text varies from election to election, but within the last four election cycles has been as much as 75 legal-sized pages. Using the current standards for legal notice (newspaper print using 6-point type), the cost to produce 200,000 copies of 75 pages each and distribute them across the state could be up to \$1 million per election at which statewide ballot measures are submitted to the people by the initiative.

It should also be noted that absentee ballot postage costs could also increase by an unknown amount if paper copies of the ballot text must be included, due to the increased weight of the ballot packets in those cases. The SOS will review the absentee ballot process during rulemaking to ensure that voters are able to request access in the format most convenient to them, whether paper or digital. The increase in ballot postage will be mitigated to a degree based on the number of absentee voters requesting digital access, but since voter preferences cannot be predicted ahead of time, the SOS will still assume for the purposes of printing that the state may need to distribute paper text to 100% of absentee voters.

Upon further inquiry, the **SOS** stated the word “individual” was removed from the “each voter” phrase and the SOS was granted rulemaking authority to best determine how the policy is to be implemented. As such, they are considering that they no longer need to print a full physical copy for every voter.

The 200,000 comes from 180,000 copies for mail-in absentee voters (based on ballot count from the 2024 general election) and then the remaining 20,000 works out to about five per polling place across the state that can be placed in voting booths or other prominent locations.

Additionally, (the original FTE cost) was based on the need to have hundreds of hearings for every petition sample submitted. The new wording only requires hearings for petitions after signatures are submitted, which is a much lower number and can be done with existing staff (hundreds of hearings versus five or less).

Oversight will reflect the estimated impact by the SOS in the fiscal note.

In response to the previous version, officials from the **Office of the State Public Defender** stated 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 create a violation that shall be punishable by imprisonment for up to one year or a fine of up to one thousand dollars or both plus an amount equal to three times the illegal contributions. 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

In response to the previous version, 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.

Officials from the **Department of Public Safety - Missouri Highway Patrol** 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 this agency.

In response to the previous version, officials from the **Missouri Ethics Commission**, the **Missouri Senate**, the **Missouri House of Representatives**, the **St. Louis County Board of Elections**, the **Kansas City Election Board** and the **Platte County Board of Elections** each assumed the proposal would 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 the previous version, officials from the **Office of the State Courts Administrator** assumed the proposal would 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 this agency.

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.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to the previous version, officials from the **Office of the Secretary of State (SOS)** noted many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize 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 their office can sustain with their core budget. Therefore, they reserve 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.

<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 – printing and mailing full text	\$0	\$0 up to (\$1,000,000)*	\$0
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	\$0 or (More than \$8,000,000)	\$0 up to (\$1,000,000)*	\$0
*This cost would be incurred at least once in each odd-numbered fiscal year.			

<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.

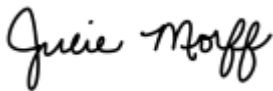
FISCAL DESCRIPTION

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
Joint Committee on Administrative Rules
Platte County Board of Elections
St. Louis County Board of Elections
Kansas City Election Board



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