

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3892H.01I
Bill No.: HJR 119
Subject: Constitutional Amendments; Courts; Judges; Governor and Lt. Governor; Saint Louis City; Jackson County; Counties; Cities, Towns, and Villages
Type: Original
Date: March 11, 2026

Bill Summary: This proposal proposes a constitutional amendment changing how judges are selected to certain courts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*/**	\$0 or (More than \$9,000,000)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (More than \$9,000,000)	\$0 or (Unknown)	\$0 or (Unknown)

*The potential fiscal impact of “(More than \$9,000,000)” would be realized only if a special election were called by the Governor to submit this joint resolution to voters.

**OSCA potential unknown impact assumed to be less than \$250,000 annually if this proposal is passed by a vote of the people.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
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 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
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 2027	FY 2028	FY 2029
Local Government	\$0*	\$0	\$0

*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.

FISCAL ANALYSIS

ASSUMPTION

HJR – Selection of Judges

Officials from the **Office of the State Courts Administrator (OSCA)** state the proposed legislation would eliminate “The Appellate Judicial Commission”, which would save \$7,913 annually.

Judicial vacancies, that are governed under Section 25(a) and 25(b), happen throughout the year. The proposed legislation states the Governor shall with the advice and consent of the Senate, appoint a judge to fill vacancies. Due to the timing of when the Senate is in session, some judicial positions could be vacant for an extended period. During this time, the courts would need to transfer sitting judges or bring in senior judges to handle the existing workload. Since there is no way to quantify the amount of transfers or senior judges that would be needed, the fiscal impact to the judiciary is unknown at this time. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some negative impact on their organization in addition to \$7,913 annual savings for the elimination of the Appellate Judicial Commission if the provisions of this proposal are approved by the voters although the impact can’t be quantified at this time. Oversight assumes the potential savings to be immaterial and will not present the savings for fiscal note purposes.

Oversight notes the provisions of this proposal are subject to a vote of the people. Therefore, although OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 (the proposal doesn’t pass) or a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Office of the Secretary of the 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 a special election has been estimated to be \$9 million based on the cost of past 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 publication cycle, the SOS estimates publication costs at \$515,000 per ballot measure. This amount is an average and will be subject to change based on the number of petitions received, length of those petitions, and rates charged by newspaper publishers. In a year where many lengthy measures must be published, the Secretary of State's Office may need to budget up to \$10,000,000 to ensure sufficient funding is available to meet its constitutional obligations for the election cycle.

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 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 2027. 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. Per the SOS, the cost is estimated at \$9 million based on past costs as well as the anticipation of significant increases in future election-related expenses. 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 2027.

Officials from the **Office of the Governor (GOV)** state this bill adds to the Governor's current load of appointment duties. Individually, additional requirements should not fiscally impact the GOV. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the GOV.

Officials from the **Missouri Senate** 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, county commissions, circuit clerks and the City of St. Louis were requested to respond to this proposed legislation but did not. Upon the receipt of additional 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. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Cost – OSCA</u> Change in potential court costs p.3	\$0	\$0 or (Unknown)	\$0 or (Unknown)
<u>Transfer Out - SOS</u> Reimbursement of local election authority election costs if a special election is called by the Governor p.3-4	\$0 or (More than <u>\$9,000,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or (More than <u>\$9,000,000</u>)	\$0 or (Unknown)	\$0 or (Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In - Local Election Authorities</u> Reimbursement of election costs by the State for a special election p.3-4	\$0 or More than \$9,000,000	\$0	\$0
<u>Cost - Local Election Authorities</u> Cost of a special election if called for by the Governor p.3-4	\$0 or (More than <u>\$9,000,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

Upon voter approval, this proposed constitutional amendment would change the way judges are selected. Currently, when a judicial vacancy occurs in the Missouri Supreme Court, the Court of Appeals, or in the office of circuit or associate circuit judge within the City of St. Louis or Jackson County, a nonpartisan judicial commission nominates three qualified individuals and submits their names to the Governor, who then must appoint one of the three within 60 days. If the Governor fails to appoint one of the three within 60 days, the Judicial Commission appoints one of its nominees. This bill proposes an amendment to eliminate the Judicial Commission and have the Governor appoint a judge, by and with the advice and consent vote of the Senate.

In judicial circuits outside the City of St. Louis and Jackson County, qualified voters can, at any general election but not more often than every four years, vote to have the circuit and associate circuit judges in their circuit also appointed by the Governor, by and with the advice and two-thirds consent vote of the Senate. They can also vote to discontinue such appointment. If a majority of the votes cast are in favor of discontinuing the appointment, the circuit and associate judges of that circuit must be appointed as otherwise prescribed by law.

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 Governor
Office of the State Courts Administrator
Office of the Secretary of State
Missouri Senate



Julie Morff
Director
March 11, 2026



Jessica Harris
Assistant Director
March 11, 2026