

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0739-02
Bill No.: HB 837
Subject: Elections; Political Parties; Secretary of State
Type: Original
Date: April 24, 2009

Bill Summary: This proposal changes the laws regarding initiative and referendum petitions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	\$0	\$17,000	\$0
Total Estimated Net Effect on General Revenue Fund	\$0	\$17,000	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume this could generate up to \$17,000 to be deposited into the state's general revenue fund. Based on the 2008 initiative petition process, 55 petitions were submitted to the SOS, 18 were withdrawn, and 3 were certified as sufficient for the 2008 general election ballot.

55 petitions submitted-18 withdrawn= 37 deposits
37 deposits - 3 petitions certified for the ballot=34 deposits forfeited
34 forfeited deposits x \$ 500= \$17,000 deposited to state's general revenue fund

Officials at the **Boone County Sheriff's Department, Office of the State Public Defender** and the **Office of the State Courts Administrator** assume that there is no fiscal impact from this proposal.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of Prosecution Services** assume this bill will have no measurable fiscal impact on the Missouri Office of Prosecution Services. The potential fiscal impact on county prosecuting attorneys will necessarily depend on the extent to which law enforcement agencies choose to enforce this provision and/or are able to enforce this provision. If law enforcement agencies make arrests under this provision, there may be an impact based on the additional cases that may be filed.

Oversight assumes that the constitutional amendment petitions, statutory initiative petitions and referendum petitions can only be placed on a general election ballot. Therefore the November 2010 general election in FY 2011 is the only election effected by the legislation for the time period covered by this fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE			
<u>Revenue</u> - Secretary of State petition deposit	\$0	\$17,000	\$0
ESTIMATED NET EFFECT ON GENERAL REVENUE FUNDS	<u>\$0</u>	<u>\$17,000</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2010 (10 Mo.)	 FY 2011	 FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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 changes the laws regarding initiative and referendum petitions. In its main provisions, the bill:

- (1) Requires petition circulators to be residents of Missouri;
- (2) Prohibits individuals who have been convicted of, found guilty of, or pled guilty to a forgery offense from serving as petition circulators;
- (3) Prohibits petition circulators from being compensated based on the number of signatures collected;
- (4) Specifies that anyone who knowingly signs a name other than his or her own to a petition will be guilty of a class one election offense that is punishable by up to five years in prison or a fine of not less than \$2,500 or greater than \$10,000; and
- (5) Imposes a \$500 deposit fee for the submission of a sample sheet required to be filed with the Office of the Secretary of State prior to the circulation for signatures for petitions. Upon the certification of a proposed measure as having a sufficient number of signatures, the deposit must

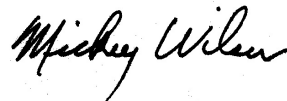
FISCAL DESCRIPTION (continued)

be immediately refunded. If the ballot measure is not certified for the general election, the deposit will be forfeited and deposited into the General Revenue Fund.

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
Boone County Sheriff's Department
Office of the State Public Defender
Office of the State Courts Administrator
Office of the Attorney General
Office of Prosecution Services



Mickey Wilson, CPA
Director
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