

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6234-02
Bill No.: HJR 89
Subject: Elections; Secretary of State; Constitutional Amendments
Type: Original
Date: April 2, 2012

Bill Summary: This proposal requires voter photo identification.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$0 or (More than \$7,000,000)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on General Revenue Fund	\$0 or (More than \$7,000,000)	\$0 to (Unknown)	\$0 to (Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Governor** and **Department of Revenue** assumes the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal from last year (SJR 2), officials from the **Office of the Attorney General (AGO)** assumed costs could be absorbed with existing resources. Because AGO is responsible for defending such legislation in constitutionality claims, the AGO assumed the nature of the provisions could create fiscal impact. Therefore, the AGO assumed costs to be unknown, but less than \$100,000.

Officials from the **Department of Health and Senior Services (DOHSS)** state Section 9 of this proposal may require voters to identify himself or herself and verify his or her qualifications as a US citizen and a Missouri resident by providing a valid government issued photo identification to election officials. If an individual does not possess a valid form of personal photo identification, it may require them to obtain a copy of his/her certified birth certificate to acquire a driver's or non-driver's license. For individuals whose birth has not been recorded, it may cause them to apply for a delayed birth certificate. It is unknown and difficult to estimate the number that might be required to apply to the Bureau of Vital Records for these records.

The legislation could result in an unknown increase in revenue to General Revenue, the Children's Trust Fund, the Endowed Care Cemetery Fund, and the Missouri Public Health Service Fund. The proposed legislation could also result in an unknown impact to the Bureau of Vital Records to issue the increased demand for birth certificate records.

Officials from the **Office of the Secretary of State** stated based on pending legislation, implementation of this Constitutional Amendment could require the Secretary of State to provide advance notice of the personal ID documents required to vote. The advance notice provided by the SOS would include at a "minimum the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media."

For fiscal year 2013 advance notice advertisements will be provided upon approval by the voters of this measure and enactment of implementing legislation prior to the April 2013 election. For fiscal year 2014 advance notice advertisements will be provided to voters prior to the April 2014 election. For fiscal year 2015 advance notice advertisements will be provided to voters prior to the August 2014 and November 2014 elections. For all subsequent years advance notice advertisements will be provided to voters prior to each federal primary and general election.

ASSUMPTION (continued)

Assumptions include:

Production of radio and TV public service announcements-	\$2,000
Print ad to run twice before an election-	\$203,284
Cable television ad to run twice everyday for eight weeks-	\$299,472
TV and Radio ad to run through broadcast media-	<u>\$497,311</u>
Total-	\$1,002,067

Upon enactment of implementing legislation, the Secretary of State will send a mailer to all registered voters to notify them of the new identification requirements at a cost of \$1,756,095. A similar mailer will be sent before the 2014 Primary Election. For all other elections, the Secretary of State's office will send mailings to newly registered voters prior to each election. Based on the estimated 375,680 newly registered voters in 2010, this mailer could cost \$161,542.

Assumptions include:

Mailing to all registered voters:
4,083,942 registered voters x \$0.43 postage, printing and processing= \$1,756,095

Mailing to newly registered voters prior to each election:
375,680 new registered voters x \$0.43 postage, printing and processing = \$161,542

Implementation of this measure would impose new requirements on local election authorities in notifications, additional provisional ballots, trainings, affidavits and processes with regard to notifying and processing voters. These new state mandates must be funded as additional responsibilities under Article X, section 21 of the Missouri Constitution.

The photo id requirements are not limited to statewide elections but will affect every election. The cost per fiscal year will vary based on the number of elections held. In addition to the general municipal election each April and the primary and general elections in August and November of even numbered years, there are additional days available for public elections in February and in August and November of odd numbered years, which are used only as needed.

Officials at the Office of the Secretary of State assume unless a special election is called for the purpose, joint resolutions are submitted to a vote of the people at the next general election. 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.

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ASSUMPTION (continued)

Article III section 52(b) of the Missouri Constitution authorizes the General Assembly to order a special election for measures referred to the people and Article XII section 2(b) authorizes the Governor to call a special election to submit constitutional amendments to a vote of the people.

The SOS 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. 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. Funding for this item is adjusted each year depending upon the election cycle with \$1.3 million historically appropriated in odd numbered fiscal years and \$100,000 appropriated in even numbered fiscal years to meet these requirements. The appropriation has historically been an estimated appropriation because the final cost is dependent upon the number of ballot measures approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2011, at the August and November elections, there were 6 statewide Constitutional Amendments or ballot propositions that cost \$1.02 million to publish (an average of \$170,000 per issue). Therefore, the Secretary of State's office assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. However, because these requirements are mandatory, we reserve the right to request funding to meet the cost of our publishing requirements if the Governor and the General Assembly change the amount or eliminate the estimated nature of our 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 2013. 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 general election is in November 2012 (FY 2013). It is assumed the subject within this proposal could be on that ballot; however, it could also be on a special election called for by the Governor. Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2013.

To estimate the expense the state would incur for reimbursing local political subdivisions for a special election, Oversight requested expense estimates from all election authorities for an election. Eighty-six out of the one hundred fifteen election authorities responded to Oversight's request. From these respondents; the total election expense that would have to be reimbursed by the state government is over \$7 million.

ASSUMPTION (continued)

Therefore, Oversight will reflect a potential cost borne by the state in FY 2013 of over \$7 million for reimbursement to the local political subdivisions. Oversight assumes the Governor could call for a special election to be held prior to November 2012 regarding this joint resolution; however, if a special election is not called, the subject will be voted on at the general election in November, 2012.

Oversight assumes local election authorities could incur additional costs with advance voting starting after January 1, 2013. Therefore, Oversight will show a potential cost to local political subdivisions starting in FY 2013. Oversight assumes these potential costs will be reimbursed by the Office of Secretary of State. Oversight assumes additional legislative action would be required to enact advance voting and voter ID requirements.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE FUND			
<u>Transfer Out</u> - reimbursement of local election authorities for election costs	\$0 or (More than \$7,000,000)	\$0	\$0
<u>Expense</u> - Office of Secretary of State - reimbursement of local political subdivisions for advance voting	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 or (More than <u>\$7,000,000</u>)	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In</u> - cost reimbursement from the State for election	\$0 or More than \$7,000,000	\$0	\$0
<u>Expense</u> - cost for election	\$0 or (More than \$7,000,000)	\$0	\$0
<u>Income</u> - cost reimbursement from the state for advance voting	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Expense</u> - costs for advance voting	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<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

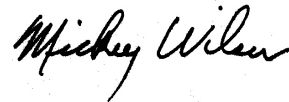
Upon voter approval, this constitutional amendment changes the laws regarding elections and voting rights.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of the Secretary of State
Office of the Governor
Department of Revenue
Attorney General's Office
Department of Health and Senior Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large initial "M".

Mickey Wilson, CPA
Director
April 2, 2012