

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4459-01
Bill No.: HJR 47
Subject: Elections; Constitutional Amendments
Type: Original
Date: January 13, 2014

Bill Summary: This proposes a constitutional amendment specifying that general law may require a person to provide valid government-issued photo identification in order to vote in person in an election.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	\$0 or (More than \$7,100,000)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	\$0 or (More than \$7,100,000)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of Administration's Division of Budget and Planning** assume there is no fiscal impact from this proposal.

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

Officials at the **Department of Health and Senior Services (DOH)** assume §8 of the proposed legislation requires voters to establish their identity and eligibility to vote by providing a form of personal identification to election officials. If an individual does not possess a valid form of personal 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 proposed legislation does not appear to exempt DOH from collecting the necessary fees for copies of certified birth certificates as set forth in §193.265.1, RSMo. The proposed legislation could result in an unknown increase in revenue to General Revenue, the Children's Trust Fund, the Endowed Care Cemetery Audit 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 at the **Department of Revenue** assume no fiscal impact from this proposal. However, these provisions are not self-executing and would require implementing legislation, this provision would authorize the General Assembly to require voter identification as a prerequisite to voting, as proof of U.S. citizenship and Missouri residency by means of a valid government-issued photo identification (likely a Missouri drivers license or nondriver identification card). During the application process for a Missouri driver license or identification card, the Missouri Department of Revenue will verify if the person is a U.S. citizen or not. However, the physical Missouri driver license or identification card does not denote on the license that the person holding the driver license or identification card is a U.S. citizen or not.

Officials at the **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. 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

ASSUMPTION (continued)

Constitution and §§116.230-116.290, RSMo. SOS 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 2013, at the August and November elections, there were 5 statewide Constitutional Amendments or ballot propositions that cost \$2.17 million to publish (an average of \$434,000 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.

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, §115.063.2 RSMo requires the state to pay the costs. The cost of the special election has been estimated to be \$7.1 million based on the cost of the 2012 Presidential Preference Primary and a cost determined by Legislative Oversight.

Additionally, 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 legislation session. The fiscal impact to the Administrative Rules Division for the SOS for this requirement is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, SOS also recognizes 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 SOS can sustain with their core budget. Therefore, SOS reserves 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.

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 2015. This reflects the decision made by the Joint Committee on Legislative Research, that

ASSUMPTION (continued)

the cost of the elections should be shown in the fiscal note. The next scheduled general election is in November 2014 (FY 2015). 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 2015.

In addition, **SOS** assumes that prior joint resolutions concerning elections and photo identification have been paired with companion legislation detailing statutory amendments. Thus, for purposes of this fiscal note, the following costs assume that both the joint resolution and any companion statutory changes are passed.

Based on previous legislative proposals, implementation of these new identification provisions could require the state's election authority (the Secretary of State) and/or local election authorities to provide advance notice of the personal identification documents required to vote. The advance notice provided by the election authorities would include at a "minimum the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media." This language comes from a companion bill to this HJR.

For fiscal year 2015, advance notice advertisements will be provided upon approval by the voters of the constitutional amendment and enactment of implementing legislation and prior to the April 2015 election. For fiscal year 2016, advance notice advertisements will be provided to voters prior to the February and April 2016 elections. For fiscal year 2017, advance notice advertisements will be provided to voters prior to the August 2016 and November 2016 elections. For all subsequent years advance notice advertisements will be provided to voters prior to each federal primary and general election.

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 SOS will send a mailer to all registered voters to notify them of the new identification requirements at a cost of \$1,985,577.51. A similar mailer will be sent before the 2016 Primary Election. For all other elections, the SOS will send

ASSUMPTION (continued)

mailings to newly registered voters prior to each election. Based on the estimated 355,007 newly registered voters in 2012, this mailer could cost \$173,953.43.

Mailing to all registered voters:

4,052,199 registered voters x \$0.49 postage, printing and processing= \$1,985,578

Mailing to newly registered voters prior to each election:

355,007 new registered voters x \$0.49 postage, printing and processing = \$173,953

Again, based on companion legislation, implementation of this measure's provisions imposes new requirements on election authorities in notifications, additional provisional ballots, trainings, affidavits and processes with regard to notifying and processing voters. Whether the notice requirements fall on the SOS or local election authorities, due to language mandating reimbursement of these new costs, it will be necessary for the SOS to request appropriation for these costs. §115.430 requires the SOS to provide provisional ballot envelopes to local election authorities. This joint resolution and companion legislation will increase the number of elections in which provisional ballots are available and the number of provisional ballots that will be cast. Based on previous history, the SOS will require additional funding for printing provisional ballot envelopes in the amount of \$9,800 per election.

The new photo identification 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.

Oversight notes that SOS's response includes administrative costs that would require the passage of enabling legislation, in order to implement the provisions of photo identification. Those administrative costs will not be reflected in this fiscal note, but would be included in a fiscal note for the enabling legislation, regarding how photo identification would be implemented.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
GENERAL REVENUE			
<u>Transfer Out</u> - Secretary of State - reimbursement of local election authority election costs if a special election is called by the Governor	\$0 or (<u>More than</u> <u>\$7,100,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or (<u>More than</u> <u>\$7,100,000</u>)	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
LOCAL ELECTION AUTHORITIES FUNDS			
<u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for a special election	\$0 or More than \$7,100,000	\$0	\$0
<u>Costs</u> - Local Election Authorities - cost of a special election	\$0 or (<u>More than</u> <u>\$7,100,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON LOCAL ELECTION AUTHORITIES FUNDS	<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 specifies that a person seeking to vote in person in a public election may be required by general law to identify himself or herself and verify his or her qualifications as a United States citizen and a Missouri resident by providing election officials with a form of identification that may include requiring valid government-issued photo identification. Exceptions to the identification requirement may also be provided for by general 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

Department of Health and Senior Services
Department of Revenue
Office of Administration
 Division of Budget and Planning
Office of Attorney General
Office of the Secretary of State



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