

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5323-01
Bill No.: HJR 115
Subject: Elections; Redistricting
Type: Original
Date: March 9, 2020

Bill Summary: This proposal modifies provisions for redistricting and requires that only citizens be eligible to vote in the state.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	\$0 or (More than \$7,821,070)	\$0 or \$95,178	\$0 or \$94,742
Total Estimated Net Effect on General Revenue	\$0 or (More than \$7,821,070)	\$0 or \$95,178	\$0 or \$94,742

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	0 or <1 FTE>	0 or <1 FTE>	0 or <1 FTE>
Total Estimated Net Effect on FTE	0 or <1 FTE>	0 or <1 FTE>	0 or <1 FTE>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	\$0*	\$0	\$0

* Possible transfer out and transfer in net to zero, if put before the voters at a special election

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State** 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, §115.063.2, RSMo, requires the state to pay the costs. The cost of the special election has been estimated to be \$7.8 million based on the cost of the 2016 Presidential Preference Primary.

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. 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.

In FY19, over \$5.8 million was spent to publish the full text of the measures for the August and November elections. The SOS estimates \$65,000 per page for the costs of publications based on the actual cost incurred for the one referendum that was on the August 2018 ballot.

The SOS 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, we reserve the right to request funding to meet the cost of our 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 2021. 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 statewide primary election is in August 2020 and the next scheduled general election is in November 2020 (FY 2021 for both). It is assumed the subject within this proposal could be on one of these ballots; however, it could also be on a special election called for by the Governor (on a different date). Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2021.

Officials from the **Office of Administration (OA) - ITSD** assume that OA will provide the support for the “Redistricting Public Comment Portal” website established for the bipartisan citizens commission. Services will be required at a cost of \$21,070 in FY 2021, \$4,822 in FY 2022, and \$5,258 in FY 2023 to implement these changes.

Oversight notes currently, state demographic information is published on OA’s website (oa.mo.gov). If the responsibility for establishing and maintaining the website would fall to another office, such as an office tied to the Missouri Legislature, and not OA, the estimated fiscal impact would shift from OA to that office.

Oversight notes that the proposal is not clear to which department or office is responsible for establishing and maintaining the website. Therefore, Oversight will reflect a zero or cost estimates provided by OA-ITSD on the fiscal note.

Oversight notes the Nonpartisan State Demographer position will be eliminated if this joint resolution passes. The Office of Administration lists the annual salary range for a State Demographer as \$52,332 - \$83,436. Oversight notes the following savings (salary plus fringe) to the state would be realized if the Nonpartisan State Demographer is not filled.

	Annual Salary	Fringe Benefits	Total Savings
Low Range	\$52,332	\$29,073	\$81,928
High Range	\$83,436	\$39,506	\$123,776
Salary to reach \$100,000	\$66,000	\$33,658	\$100,658

Oversight also notes this joint resolution would place the responsibilities of the Nonpartisan State Demographer with the house independent bipartisan citizens commission and the senate independent bipartisan citizens commission. Oversight assumes the new independent commissions will incur (and be reimbursed) expenses in redistricting years. Oversight will assume reimbursed expenses of less than \$100,000 in FY 2021 for these commissions.

ASSUMPTION (continued)

Oversight will range the potential fiscal impact of not hiring (savings) a Nonpartisan State Demographer as \$100,000 for each year, dependent upon the joint resolution being passed by voters. Oversight will also reflect the possibility of reimbursing the commissions of Less than \$100,000 in FY 2021 for their service.

Officials from the **Office of Administration-Budget and Planning, Missouri Senate, Office of the Governor, Missouri House of Representatives, State Auditor's Office, Attorney General's Office, and Office of State Courts Administrator** each all assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Daviess County Clerk's Office** 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 on the fiscal note for these agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Savings</u> - if the joint resolution is passed by voters, the Nonpartisan State Demographer position is eliminated	\$0 or \$100,000	\$0 or \$100,000	\$0 or \$100,000
<u>Costs</u> - of independent bipartisan citizens commission (if passed by voters)	\$0 or (Less than \$100,000)	\$0	\$0
<u>Cost</u> - OA - ITSD - redistricting public comment portal	\$0 or (\$21,070)	\$0 or (\$4,822)	\$0 or (\$5,258)
<u>Transfer Out</u> - SOS - reimbursement of local election authority election costs if a special election is called by the Governor	\$0 or (More than \$7,800,000)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0 or (More than (\$7,821,070))</u>	<u>\$0 or \$95,178</u>	<u>\$0 or \$94,742</u>
Estimated Net FTE Change for General Revenue Fund	<u>0 or <1 FTE></u>	<u>0 or <1 FTE></u>	<u>0 or <1 FTE></u>
<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for a special election	\$0 or More than \$7,800,000	\$0	\$0
<u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor	\$0 or (More than \$7,800,000)	<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 to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Upon voter approval, this proposed Constitutional amendment modifies laws pertaining to redistricting. In its main provisions, the resolution:

- (1) Repeals provisions relating to the use of a nonpartisan state demographer to draw redistricting maps using mathematical formulas based on partisan fairness and competitiveness;
- (2) Creates separate House and Senate independent bipartisan citizens commissions to draw redistricting maps beginning 60 days after the annual census report;
- (3) Establishes redistricting criteria;
- (4) Specifies a procedure for gubernatorial appointment of six member House and Senate bipartisan redistricting committees;
- (5) Requires the bipartisan committees to meet within 15 days, excluding Sundays and state holidays, of appointment to select officers, adopt an agenda, and file a tentative plan of apportionment and map with the Secretary of State within five months after appointment. Public hearings will be held after filing and a final map will be filed within six months of appointment which must be approved by seven-tenths of the commission members;
- (6) Specifies that a panel of appellate judges will create a redistricting map if a bipartisan commission fails to agree by the requisite seven-tenths vote. Deadlines and requirements for the map are further specified in the resolution; and
- (7) Requires the bipartisan commissions to establish a "Redistricting Public Comment Portal", to accept comments, maps, or other communications from the general public or interested parties. Submissions to the portal must disclose whether the entity making the submission was responsible for its content and whether or not the submission was funded by contributors. If a submission was funded, then the identity of the contributors shall be disclosed.

Upon voter approval, this Constitutional amendment specifies that only citizens of the United States who are over the age of 18 and residents of Missouri may vote.

FISCAL DESCRIPTION (continued)

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
Office of Administration-ITSD
Office of Administration-Budget and Planning
Missouri Senate
Office of the Governor
Missouri House of Representatives
State Auditor's Office
Attorney General's Office
Office of State Courts Administrator



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March 9, 2020



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