

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2176-01
Bill No.: SB 486
Subject: Elections; Secretary of State
Type: Original
Date: March 24, 2015

Bill Summary: This proposal modifies class one election offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$73,986)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$73,986)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

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 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume this proposal changes the language on the voter registration application by increasing the term of imprisonment to fifteen (from five) years and removing the monetary fine. The estimated cost for reprinting voter registration applications is \$73,286.

- NCOA Voter Registration Applications - \$20,000
- CODE 2 Voter Registration Applications for Social Services - \$39,000 for 800,000 cards to replace current stock
- PC Voter Registration Applications - \$7,143 for 100,000 cards - will need double printing to replace cards at each local election authority: \$14,286

The estimated cost for mailing voter registration applications to local election authorities ranges from \$8 - \$14 per case (2000 cards per case). Some local election authorities may only need 500, while others may need 20,000 applications. Using the postage range per case, the estimated total is \$400 - \$700 in shipping costs to distribute 100,000 voter registration applications to the local election authorities; however, the cost will vary based upon the shipping destination and number of cards requested.

The cost for replacing the current stock of voter registration applications and mailing said applications to local election authorities will occur in FY 16 and the total estimated cost is \$73,986.

Officials at the **Department of Corrections (DOC)** assume this proposal would modify class one election offenses. §115.631 is duplicated to account for felony class changes effective Jan. 1, 2017. The second copy of §115.631 presented in this bill modifies the existing statute effective until Dec. 31, 2016, while the first copy modifies the provisions that are set to become effective Jan. 1, 2017.

The first change, identical in both copies of the section is to specify that election offenses are punishable by fine and/or imprisonment not more than seven years, increased from the current five years maximum imprisonment. Additionally, persons found guilty will not be granted suspended sentence and must serve at least 30 days incarceration before parole or probation eligibility. Exceptions are added for subdivisions 1 and 17 of this section.

§115.631(1) addresses false information provided to election officials and is modified twice accounting for new felony classes. The current penalty will be changed from class C to B, and as of Jan. 1, 2017 will change the newly effective section from class D to class C. The net effect

ASSUMPTION (continued)

would be penalty enhancement from current class C (1-7 yrs) to class B (5-10 yrs) for approximately one year, changing to new class C (3-10 years) effective Jan. 1, 2017.

§115.631(17) refers to registering as a voter when not legally entitled to, or falsely registering as another individual. The current section provides only for the general election offense penalty of fine and/or imprisonment up to 5 years. The proposed bill would first specifically add a class B felony provision which would then become a class C (new system) as of Jan. 1, 2017. The net effect is to add a new class B/C felony provision to this section.

Prior data indicate there have been 3 incarcerations with an average 4 year sentence (2006 - present), and 14 probations with an average 3 year sentence (1996 - present). Under this bill, all felony class provisions encompass the historical 4 year average sentences so that average sentence will not likely change. Likewise, changes specifically to §115.631(1) serve to shift language to the new felony class system and would not affect number of incarcerations. However, removal of initial probation eligibility for unclassified election offenses and the addition of a new class felony in §115.631(17) may lead to one additional incarceration for each case. Based on prior incarceration and probation sentences under this section, sentencing would follow past trends of 4 years, with 1 year incarceration and 3 years parole. The cumulative effect on DOC could be an increase of 2 incarcerations and 6 field supervisions.

The FY14 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender. The DOC cost of incarceration is \$16.725 per day or an annual cost of \$6,105 per offender.

ASSUMPTION (continued)

	# to Prison	Cost per year	Total Cost Prison	# to Probation	Cost per year	Total Cost of Probation	Grand Total Prison and Probation
Year 1	2	\$6,105	\$12,210	0	\$2,453	\$0	\$10,175
Year 2	2	\$6,105	\$12,210	2	\$2,453	\$4,906	\$17,458
Year 3	2	\$6,105	\$12,210	4	\$2,453	\$9,812	\$22,912
Year 4	2	\$6,105	\$12,210	6	\$2,454	\$14,724	\$28,583
Year 5	2	\$6,105	\$12,210	6	\$2,455	\$14,730	\$29,161
Year 6	2	\$6,105	\$12,210	6	\$2,456	\$14,736	\$29,751
Year 7	2	\$6,105	\$12,210	6	\$2,457	\$14,742	\$30,352
Year 8	2	\$6,105	\$12,210	6	\$2,458	\$14,748	\$30,966
Year 9	2	\$6,105	\$12,210	6	\$2,459	\$14,754	\$31,593
Year 10	2	\$6,105	\$12,210	6	\$2,460	\$14,760	\$32,232

Oversight assumes that the incarceration of two offenders and supervision of six offenders would create a minimal fiscal impact and DOC could absorb the costs with existing resources.

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

Officials at the **Lincoln County Clerk's Office**, the **Office of State Courts Administrator**, the **Jackson County Board of Election Commission**, the **Office of Prosecution Services**, the **Office of the State Public Defender**, the **St. Louis County Board of Election Commission**, and the **Platte County Board of Election Commission** each assume no fiscal impact to their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Cost - SOS - replacement of current voter registration applications and postage</u>	<u>(\$73,986)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$73,986)</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<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

Under current law the crime of registering to vote knowing that one is not legally entitled to register or registering in the name of another carries a fine of between \$2,500 and \$10,000 and a term of imprisonment of not more than 5 years. This act imposes a term of up to 15 years with no monetary penalty, which is a Class B felony until December 31, 2016 and a Class C felony beginning January 1, 2017.

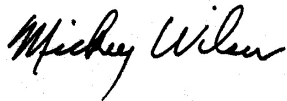
Under current law, class one election offenses carry a prison term of not more than 5 years. This act increases the term to 7 years.

Class one election offense offenders shall not be granted a suspended imposition of sentence; be eligible for probation or parole until serving a minimum of 30 days in prison; or act as an election judge, a challenger or a watcher.

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
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Office of the Attorney General
St. Louis County Board of Election Commission
Platte County Board of Election Commission
Office of State Courts Administrator
Jackson County Board of Election Commission
Lincoln County Clerk's Office



Mickey Wilson, CPA
Director
March 24, 2015

Ross Strobe
Assistant Director
March 24, 2015