

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4093-03
Bill No.: SB 786
Subject: Elections; Secretary of State; Attorney General; County Officials
Type: Original
Date: February 5, 2016

Bill Summary: This proposal modifies the law relating to the prosecution of election offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
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 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of Prosecution Services** assume this proposal has no measurable impact to their office. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

Oversight is unable to determine the number of complaints that could be filed with the Office of the Secretary of State. Therefore, Oversight will show the fiscal impact of \$0 (no complaints filed) to an Unknown amount.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
Cost - Office of the Secretary of State election offense investigation	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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 act permits any person to file a complaint alleging an election offense with the Secretary of State and grants the Secretary the authority to investigate such claims. In the event that the Secretary finds reasonable grounds that an election offense has been committed, the Secretary may issue a probable cause statement. If the Secretary issues a probable cause statement, he or she may refer the offense to the Attorney General or the appropriate prosecuting attorney.

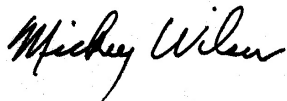
FISCAL DESCRIPTION (continued)

The act further grants authority to investigate, commence, and prosecute election offenses to the Attorney General, the Secretary of State, and the prosecuting attorney of each county. The authority of prosecuting attorneys would be limited to bringing prosecutions only against election offenses which have occurred within the jurisdiction for which the prosecuting attorney serves. Once any of the above officers has commenced prosecution of an election offense, one of the other officers may provide assistance in that prosecution, but such entity may not commence a separate prosecution.

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 Prosecution Services



Mickey Wilson, CPA
Director
February 5, 2016

Ross Strobe
Assistant Director
February 5, 2016