

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4655-01  
Bill No.: SB 597  
Subject: Elections  
Type: Original  
Date: February 19, 2016

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Bill Summary: This proposal modifies the law relating to special elections.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$39,600 up to \$2,000,000)	\$0 or (Up to \$2,000,000)	\$0 or (Up to \$2,000,000)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$39,600 up to \$2,000,000)</b>	<b>\$0 or (Up to \$2,000,000)</b>	<b>\$0 or (Up to \$2,000,000)</b>

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

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Transfers In and Cost net to zero.

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** state currently, when a vacancy occurs in the offices of U.S. Representative, State Senator and State Representative, the Governor shall without delay issue a writ of election to fill such vacancy. 115.363.5, RSMo states that a party nominating committee may nominate a candidate for an election called to fill such vacancies.

This proposal would replace this nominating process with a separate primary election prior to the special election. It would require candidates to be nominated at a primary election which shall be held on a Tuesday at least forty-five days prior to the date of the special election - in the event that there is only one candidate filed for a party's nomination, no primary election would be held. It would essentially create an additional election, to select nominees, prior to the special election.

Pursuant to §115.063.2, RSMo, the state is required to pay all costs associated with special elections. Due to the unpredictability of when vacancies may occur and the geographical size of the vacated district, costs associated with this proposal are difficult to estimate.

In previous special elections, costs have varied from \$25,000 to \$715,000 per election. This proposal increases the cost of each special election due to a primary election for the special election.

In the event that no primary election is required, this proposal would still increase publishing costs incurred by the state for each special election. Under the current candidate nomination process for special elections, legal notice of the election must be published only once, one week prior to the date of the election (§115.127.1, RSMo). By replacing the candidate nomination process with a primary election and candidate filing period, it would require legal notice of the candidate filing period to be published (pursuant to §115.125.1, RSMo). In addition to notice of candidate filing, it also requires that the dates of the primary and special election be published, and legal notice of election would be required one week prior to the date of the primary election (pursuant to §115.121.1, RSMo). In the event that no primary election is required, notice of cancellation of the primary election would still need to be published in order to inform voters of the cancellation. Due to the unpredictability of when vacancies may occur and the geographical size of the vacated district, publishing costs associated with special elections are difficult to estimate.

This proposal increases the length of time needed for the election process because of the addition of a primary election. Even in the event the primary election is not required, this time period would still occur based on the original set date of the special election. The SOS assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to

ASSUMPTION (continued)

adequately fund all special elections.

This proposal would require programming changes to the Missouri Centralized Voter Registration (MCVR) database to allow the system to integrate a primary election for each special election. Between 360 and 420 hours would be needed to make the programming changes at an estimated cost between \$39,600 and \$46,200.

**Oversight** received information from SOS that there were six special elections held in FY 2010 at a cost of \$584,912, two special elections held in FY 2011 at a cost of \$204,728, five special elections held in FY 2012 at a cost of \$7,526,430, six special elections held in FY 2013 at a cost of \$1,078,244, and five special elections held in FY 2014 at a cost of \$341,710. The five year average is \$1,947,205.

**Oversight** will range the fiscal impact from \$0 (no primary special election needed) or Up to the average special election estimate provided by the Office of the Secretary of State (\$2,000,000).

Officials at the **Platte County Board of Election Commission** assume a fiscal impact of approximately \$70,000 per countywide primary.

Officials at **Lincoln County** assume this proposal may lead to significant costs for Lincoln County. The average cost of a county wide election in Lincoln County is \$90,000. The legislation may lead to more elections being held which leads to higher election cost.

Officials at **Mississippi County**, the **St. Louis County Board of Election Commission**, and **Buchanan County** each assume no fiscal impact from this proposal to their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
<b>GENERAL REVENUE</b>			
<u>Cost - SOS - computer programming costs</u>	(\$39,600 to \$46,200)	\$0	\$0
<u>Transfer Out - SOS - reimbursement of local election authority primary election costs if a special election is called by the Governor</u>	\$0 or up to <u>(\$2,000,000)</u>	\$0 or up to <u>(\$2,000,000)</u>	\$0 or up to <u>(\$2,000,000)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$39,600 or up to \$2,000,000)</u></b>	<b><u>\$0 or up to (\$2,000,000)</u></b>	<b><u>\$0 or up to (\$2,000,000)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>LOCAL ELECTION AUTHORITIES FUND</b>			
<u>Transfer In - Local Election Authorities - reimbursement of election costs by the State for special election(s)</u>	\$0 or up to \$2,000,000	\$0 or up to \$2,000,000	\$0 or up to \$2,000,000
<u>Costs - Local Election Authorities - cost of special election(s)</u>	\$0 or up to <u>(\$2,000,000)</u>	<u>\$0 or up to (\$2,000,000)</u>	<u>\$0 or up to (\$2,000,000)</u>
<b>ESTIMATED NET EFFECT ON LOCAL ELECTION AUTHORITIES FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### FISCAL DESCRIPTION

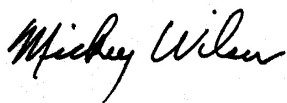
Currently, a political party nominating committee may select a party candidate for election to an office for a special election. This act removes that process and instead requires that a primary election be held for every special election at least 45 days prior to the special election.

Nonpartisan elections and elections in which only one candidate has filed do not require a primary election. This act also requires that notice of both the primary and special elections be published with the name of the office to be filled, the dates of the primary and special elections, and the dates by which candidates must be filed for office.

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  
Platte County Board of Election Commission  
St. Louis Board of Election Commission  
Lincoln County  
Mississippi County  
Buchanan County



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