

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0831H.03C
Bill No.: HCS for SB 86
Subject: Education, Elementary and Secondary; Elections; Political Subdivisions
Type: Original
Date: April 28, 2021

Bill Summary: This proposal modifies provisions relating to political influence in school districts.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|------------------------------------------------------|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| Total Estimated Net Effect on General Revenue | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---------------------------------------------------------------|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---------------------------------------------------------------|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|-----------------------------------------------------------|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--------------------------------------------|-----------------------------|-----------------------------|-----------------------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| Local Government | \$0 or (Unknown) | \$0 or (Unknown) | \$0 or (Unknown) |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State, Department of Elementary and Secondary Education**, and **Missouri Ethics Commission** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the above mentioned agencies have stated the proposal would not have a direct 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.

In response to similar legislation HCS for HB 229, officials from the **Kansas City Election Board** assumed the cost to conduct a recall election could range from \$20,000 to \$300,000 depending on the size of the entity calling the election. The cost to conduct an election in the Kansas City portion of Jackson County is roughly \$625,000. If an entity such as the KCPS were required to conduct an election and no one else participated, based on their size and voter registration, their costs could potentially be around \$300,000. If a smaller jurisdiction such as Hickman Mills, Center or Raytown School Districts had the same election, based on their size and voter registration, their costs would be much cheaper (\$20,000).

Officials from the **Platte County Board of Elections** assume potential costs for a recall election in a School District with no other participating entities is \$25,000.

Officials from the **St. Louis County Board of Elections** and **St. Louis City Board of Elections** both assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that according to Section 162.089.5 (1) the election authority has three options in which the question to recall a school board member can be submitted to the voters of that district. Those options are at the next general election, at a special election to be called on the first Tuesday after the first Monday in November of odd-numbered years if the date is no fewer than ninety calendar days after the date of notification, and the next general municipal election in which there is a vote for school board member, if that date is no fewer than ninety calendar days after the date of notification.

The cost to local election authorities varies greatly depending on which election the question to recall a school board member would be submitted to voters and which jurisdiction would require the election. Oversight has no way to determine how many recall elections would be held (if any), which election the recall question would be submitted to voters, or what jurisdictions

would require the election. Therefore, Oversight will reflect a potential negative unknown cost to local election authorities on the fiscal note.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local election authorities were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

| <u>FISCAL IMPACT – State Government</u> | FY 2022 (10 Mo.) | FY 2023 | FY 2024 |
|-----------------------------------------|---------------------|-------------------|-------------------|
| | | | |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| | | | |
| | | | |

| <u>FISCAL IMPACT – Local Government</u> | FY 2022 (10 Mo.) | FY 2023 | FY 2024 |
|-------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|
| LOCAL POLITICAL SUBDIVISIONS | | | |
| | | | |
| <u>Cost – Local Election Authorities – administering school member recall election (if any)</u> | <u>\$0 or (Unknown)</u> | <u>\$0 or (Unknown)</u> | <u>\$0 or (Unknown)</u> |
| | | | |
| ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS | <u>\$0 or (Unknown)</u> | <u>\$0 or (Unknown)</u> | <u>\$0 or (Unknown)</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 prohibits the contribution or expenditure of public funds by any school district or by any officer, employee, or agent of any school district:

- To support or oppose the nomination or election of any candidate for public office;

- To support or oppose the passage or defeat of any ballot measure;
- To any committee supporting or opposing candidates or ballot measures; or
- To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

The act prohibits the contribution or expenditure of public funds by any officer, employee, or agent of any political subdivision to pay debts or obligations of any candidate or committee previously incurred for the purposes described above.

Any purposeful violation of this act is punishable as a class four election offense (Section 115.645, RSMo).

The bill allows registered voters to file a petition with the school board to add agenda items to any monthly school board meeting. Requirements for the petition language is outlined in the bill, and no request may be submitted more than once every six months. Any agenda item added in this manner, shall be taken up by the board following the board procedure for such items. (Section 162.052, RSMo).

This act additionally establishes a recall procedure for school board members. Members may not be recalled during the first 90 days or last 180 days of their term. The recall petition requirements are outlined in the bill and include grounds for which a recall may be called which include but are not limited to: conduct that adversely affects the rights and interests of the public; commission of an act of malfeasance; and moral turpitude.

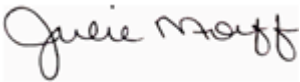
The notice for recall is required to be sent to the Board member's school district and the Board member may file a statement in response to the recall notice of intention. Procedures for the circulation of a petition for recall, the certification of the petition, and the date and manner for the recall ballot language and election are outlined in the bill (Section 162.089, RSMo).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

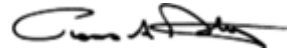
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SOURCES OF INFORMATION

Office of the Secretary of State
Department of Elementary and Secondary Education
Missouri Ethics Commission
Kansas City Election Board
Platte County Board of Elections
St. Louis County Board of Elections
St. Louis City Board of Elections



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April 28, 2021



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