

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3994S.01I  
Bill No.: SB 891  
Subject: Boards, Commissions, Committees and Councils; Counties; County Government;  
County Officials; Elections; Education, Elementary and Secondary  
Type: Original  
Date: March 29, 2022

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Bill Summary: This proposal creates provisions relating to the recall of local officials.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<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.

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<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</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 2023</b>	<b>FY 2024</b>	<b>FY 2025</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 \$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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Office of the Secretary of State and Department of Elementary and Secondary Education** both assume the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for those agencies.

Officials from the **Kansas City Election Board** assumed the cost to conduct a recall election could range from \$20,000 to \$625,000 depending on the size of the jurisdiction of the candidate to be recalled.

Officials from the **Platte County Board of Elections** assume potential costs for a recall election in a School District with no other participating entities could be up to \$40,000.

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

In response to similar legislation from 2019, HB 580, officials at **Greene County** assumed a cost to hold a special election of \$110,000 from this proposal.

**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 \$0 to negative unknown cost to local election authorities on the fiscal note.

**Oversight** notes Section 67.2203 states that if the election authority certifies the petition for recall of an elected official of a political subdivision is sufficient, the election authority shall submit the petition to the local political subdivision without delay, and the political subdivision shall order the question to be submitted to the voters. Section 67.2206 requires a special election be held as soon as practical as determined by the local election authority. Therefore, Oversight

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will reflect a ranged fiscal impact from \$0 (no recall petitions filed) to an negative unknown impact to local election authorities for the potential costs involved in verifying signatures and holding a special election for the recall of an elected official.

Officials from the **City of Kansas City** and **City of Springfield** both assume the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these cities.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other local election authorities, county clerks, schools, and cities were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Cost</u> – Section 162.089.5 (1) Local Election Authorities – administering school member recall election (if any)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost</u> – Section 67.2203 Local Election Authorities – administering special election for recall of an elected official (if any)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<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.

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FISCAL DESCRIPTION

This act establishes procedures for removing officials of political subdivisions by recall petition. These procedures are subject to the following limitations:

- The official who is named in the petition shall have held office for at least six months; and
- The recalled official shall not be a candidate in a special election to fill the vacancy created by his or her recall.

Under this act, in order to recall an official of a political subdivision, a petition containing a written statement providing the grounds for recall must first be filed with the county election authority within 60 days of receiving its first signature. The petition must receive signatures from eligible voters equal to at least 10% of the total number of votes cast in the last election held for the official's seat who is sought to be removed.

Within 10 days of the date the petition is filed, the election authority will determine whether the petition is signed by the requisite number of voters. If the petition is deemed insufficient, the election authority will attach a certificate to the petition stating the petition is insufficient. The petition may be returned to the person who filed the petition and may be amended within 10 days of the issuance of the certificate.

Once the election authority deems the petition sufficient, the election authority shall submit the petition to the political subdivision without delay, and the political subdivision shall order the question to be submitted to the voters of the political subdivision.

A special election will be held on the recall petition as soon as practicable. If a majority of the votes cast in the election are against recalling the official, then the official shall serve out the remainder of the term he or she was elected to serve. However, if a majority of the votes cast in the election are in favor of recalling the official, then a vacancy shall exist in such office.

This act establishes a recall procedure for local school board members.

A recall election shall be held upon the submission of a petition signed by at least 25% of the number of registered voters who voted in the most recent school board election. Recall proceedings shall not be commenced against any member during the first 30 or last 180 days of the member's term or against any member who has had a recall election decided in their favor during the term.

Recall proceedings shall commence by filing a notice of intention to circulate a recall petition, as described in the act, with the school district's election authority. The notice of intention shall include the grounds for recall, which may include but are not limited to conduct that adversely

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affects the rights and interests of the public, commission of an act of malfeasance, and moral turpitude.

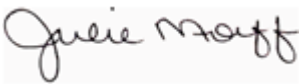
The election authority shall certify the notice of intention so long as it meets the act's requirements and shall notify the school district administration, school board, and the board member. The board member may file a statement in answer, as described in the act.

After notifying the petition filer that the petition has been certified as sufficient, the election authority shall order the question to be submitted to the voters on an election day as described in the act. If no election day will be held prior to the expiration of the board member's term, the board member shall serve the rest of his or her term.

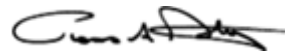
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Office of the Secretary of State  
Department of Elementary and Secondary Education  
Kansas City Board of Elections  
St. Louis County Board of Elections  
Platte County Board of Elections  
Jackson County Board of Elections  
City of Kansas City  
City of Springfield  
Greene County



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