

**MISSOURI STATE AUDITOR'S OFFICE
FISCAL NOTE (No. 04-05)**

Subject

Initiative petition for a proposed change to Section 128, RSMo from Lois Ernst regarding Electoral Reform – **Version 2**. (Received February 23, 2004)

Date

March 12, 2004

Description

The initiative petition proposes to amend Section 128.070 and Section 128.080 RSMo, which shall be known as "The Make Your Vote For President Count Act of 2004". The initiative petition would change the manner of electing presidential electors from the present "winner-take-all" method to a district-by-district method.

The proposed act would become effective November 2, 2004.

Public comments and other input

The State Auditor's Office received input from the Office of Administration – Budget and Planning, Secretary of State's Office and petition proponents.

Assumptions

Article II of the United States Constitution provides that each state may have electors equal to the number of that state's United States senators and representatives. Missouri has two senators and nine representatives, for a total of 11 electoral votes.

Section 115.399, RSMo 2000 governs the process for choosing electors. Each political party with presidential candidates on the ballot chooses 11 electors. Under the current "winner-take-all" method, whichever party's candidate has the most votes in Missouri will be the party whose electors will cast their votes in the electoral college.

Under the district-by-district method, for the nine electors nominated from congressional districts, each person having the highest number of votes given in that person's electoral district shall be declared by the governor to be the duly elected elector for that electoral district. For the two electors nominated as at-large electors, the two persons nominated by the party or person whose electors receive the highest number of votes given in the state shall be declared by the governor to be the two duly elected at-large electors.

Officials from the Office of Administration – Budget and Planning (responding for the Office of the Governor); the Secretary of State's Office; and petition proponents all indicated this initiative petition would have no fiscal impact. The Secretary of State's Office indicated the proposal would only change how election results are reported and would not have a fiscal impact on the state or local governments.

Our fiscal note is based on the assumption that there will be no fiscal impact to the state and local governments as the initiative petition changes the method of selecting the presidential electors.

Fiscal Note Summary

The proposed statutory change would have a zero estimated fiscal impact to the state and local governments.