

**MISSOURI STATE AUDITOR'S OFFICE  
FISCAL NOTE (16-HJR 53)**

**Subject**

Truly Agreed To and Finally Passed House Joint Resolution No. 53. (Received May 26, 2016)

**Date**

June 15, 2016

**Description**

This proposal would amend Article VIII of the Constitution of Missouri.

The amendment is to be voted on in November 2016.

**Public comments and other input**

The State Auditor's office requested input from the **Attorney General's office**, the **Department of Agriculture**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education**, the **Department of Health and Senior Services**, the **Department of Insurance**, **Financial Institutions and Professional Registration**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety**, the **Department of Social Services**, the **Governor's office**, the **Missouri House of Representatives**, the **Department of Conservation**, the **Department of Transportation**, the **Office of Administration**, the **Office of State Courts Administrator**, the **Missouri Senate**, the **Secretary of State's office**, the **Office of the State Public Defender**, the **State Treasurer's office**, **Adair County**, **Boone County**, **Callaway County**, **Cass County**, **Clay County**, **Cole County**, **Greene County**, **Jackson County Legislators**, **Jasper County**, **St. Charles County**, **St. Louis County**, **Taney County**, the **City of Cape Girardeau**, the **City of Columbia**, the **City of Jefferson**, the **City of Joplin**, the **City of Kansas City**, the **City of Kirksville**, the **City of Mexico**, the **City of Raymore**, the **City of St. Joseph**, the **City of St. Louis**, the **City of Springfield**, the **City of Union**, the **City of Wentzville**, the **City of West Plains**, **Cape Girardeau 63 School District**, **Hannibal 60 School District**, **State Technical College of Missouri**, **Metropolitan Community College**, **University of Missouri**, **St. Louis Community College**, **St. Louis County Election Board**, **St. Louis City Election Board**, **Kansas City Election Board**, **Platte County Board of Elections**, **Jackson County Election Board**, and **Clay County Election Board**.

## Assumptions

Officials from the **Attorney General's office** indicated they assume that any potential costs arising from the adoption of this proposal can be absorbed with existing resources.

Officials from the **Department of Agriculture** indicated no fiscal impact on their department.

Officials from the **Department of Economic Development** indicated no impact for their department.

Officials from the **Department of Higher Education** indicated this bill would not have a fiscal impact on their department.

Officials from the **Department of Health and Senior Services** indicated no fiscal impact on their department.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration** indicated this joint resolution, if passed, will have no cost or savings to their department.

Officials from the **Department of Mental Health** indicated this proposal creates no direct obligations or requirements to their department that would result in a fiscal impact.

Officials from the **Department of Natural Resources** indicated they would not anticipate a direct fiscal impact to this proposal.

Officials from the **Department of Corrections** indicated no impact.

Officials from the **Department of Labor and Industrial Relations** indicated no fiscal impact on their department.

Officials from the **Department of Revenue** indicated this joint resolution will not have a fiscal impact on their department.

Officials from the **Department of Public Safety** indicated there is no fiscal impact.

Officials from the **Department of Social Services** indicated no fiscal impact on their department.

Officials from the **Governor's office** indicated there should be no fiscal impact to their office.

Officials from the **Missouri House of Representatives** indicated no fiscal impact to their office.

Officials from the **Department of Conservation** indicated that no adverse fiscal impact to their department would be expected as a result of this proposal.

Officials from the **Department of Transportation** indicated this joint resolution has no impact to their operation.

Officials from the **Office of Administration** indicated this proposal will have no fiscal impact to their office.

Officials from the **Office of State Courts Administrator** indicated there is no fiscal impact on the courts.

Officials from the **Missouri Senate** indicated no fiscal impact on their office.

Officials from the **Secretary of State's office** indicated:

Prior legislation concerning elections and photo identification has been paired with companion joint resolutions detailing statutory amendments. Considering past court decisions, and due to language contained within legislation (passed by the General Assembly but not yet signed by the Governor, House Bill 1631), the implementation of the statutory amendments is effective only upon the passage and approval of a companion joint resolution. Thus, for purposes of this fiscal note, the following costs assume that both the joint resolution and any companion statutory changes are passed.

Implementation of these new identification provisions would require the state's election authority (the Secretary of State) and/or local election authorities to provide advance notice of the personal identification documents required to vote. The advance notice provided by the election authorities would include at a "minimum the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media." This language comes from House Bill 1631.

For fiscal year (FY) 2018 advance notice advertisements will be provided to voters prior to the February and April 2018 elections. For FY 2019 advance notice advertisements will be provided to voters prior to the August 2018 and November 2018 elections. For all subsequent years advance notice advertisements will be provided to voters prior to each federal primary and general election.

Assumptions include:

Production of radio and TV public service announcements- \$2,000

Print ad to run twice before an election- \$203,284

Cable television ad to run twice every day for eight weeks- \$299,472

TV and Radio ad to run through broadcast media- \$497,311

Total- \$1,002,067

Upon enactment of implementing legislation, the Secretary of State will send a mailer to all registered voters to notify them of any new identification requirements at a cost of \$2,003,682.62. A similar mailer will be sent before the August 2018 and November 2018 elections. For all other elections, their office will send mailings to newly registered voters prior to each election. Based on the estimated 355,007 newly registered voters in 2014, these mailings could cost \$173,953.43.

Mailing to all registered voters:

4,089,038 registered voters x \$0.49 postage, printing and processing= \$2,003,628.62

Mailing to newly registered voters prior to each election:

355,007 new registered voters x \$0.49 postage, printing and processing = \$173,953.43

Implementation of this measure's provisions imposes new requirements on election authorities in notifications, additional provisional ballots, trainings, affidavits and processes with regard to notifying and processing voters. Whether the notice requirements fall on the Secretary of State or local election authorities, it will be necessary for their office to request appropriation for these costs. Section 115.430, RSMo, requires the Secretary of State to provide provisional ballot envelopes to local election authorities. This joint resolution and any companion statutory change, based on previously filed legislation, will increase the number of elections in which provisional ballots are available and the number of provisional ballots that will be cast. Based on previous history, their office will require additional funding for printing provisional ballot envelopes in the amount of \$9,800 per election.

Furthermore, any new state mandates must be funded as additional responsibilities under Article X, section 21 of the Missouri Constitution.

The new photo identification requirements are not limited to statewide elections but will affect every election. The cost per fiscal year will vary based on the number of elections held. In addition to the general municipal election each April and the primary and general elections in August and November of even numbered years, there are additional days available for public elections in February, March, and in August and November of odd numbered years, which are used only as needed.

Section 115.427.2(2), RSMo, (contained in House Bill 1631) provides that for any individual who appears at a polling place without a form of personal identification described in Section 115.427.1, RSMo, and who is otherwise qualified to vote at that polling place, the election authority may take a picture of such individual and keep it as part of that individual's voter registration file at the election authority. For purposes of this fiscal note, their office assumes this legislation does not contemplate electronic integration of such pictures with the electronic statewide voter registration system. Such a requirement would require significant costs for software and hardware upgrades.

Section 115.427.6, RSMo, (contained in House Bill 1631) provides that any individual seeking a birth certificate or other legal documents in order to obtain a form of personal

identification described in Section 115.427.1, RSMo, in order to vote may request that the Secretary of State's office facilitate the acquisition of such documents. Because of the potentially high volume and time-consuming nature of these requests, their office estimates that one additional full-time employee (FTE) will need to be hired in the Elections Division.

Section 115.427.6, RSMo, (contained in House bill 1631) requires the Secretary of State's office to pay any fee or fees charged by another state or its agencies, any court of competent jurisdiction in this state or any other state, or the federal government or its agencies to obtain a birth certificate or other legal documents for individuals seeking those documents in order to vote. Because of the difficulty in estimating the number of people that might need to obtain the particular documents listed in Section 115.427.6, RSMo, and because the fees for these various documents vary by each state, their office estimates the cost for obtaining such documentation to be unknown.

Their office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Their office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. Funding for this item is adjusted each year depending upon the election cycle with \$1.3 million historically appropriated in odd numbered fiscal years and \$100,000 appropriated in even numbered fiscal years to meet these requirements. Through FY 2013, the appropriation had historically been an estimated appropriation because the final cost is dependent upon the number of ballot measures approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2013, at the August and November elections, there were 5 statewide Constitutional Amendments or ballot propositions that cost \$2.17 million to publish (an average of \$434,000 per issue). In FY 2015, the General Assembly changed the appropriation so that it was no longer an estimated appropriation and their office was appropriated \$1.19 million to publish the full text of the measures. Due to this reduced funding, their office reduced the scope of the publication of these measures. In FY 2015, at the August and November elections, there were 9 statewide Constitutional Amendments or ballot propositions that cost \$1.1 million to publish (an average of \$122,000 per issue). Despite the FY 2015 reduction, their office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, their office reserves the right to request funding to meet the cost of their publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Unless a special election is called for the purpose, joint resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a joint resolution to a vote of the people, Section 115.063.2, RSMo, requires the state to pay the costs. The cost of the special election has been

estimated to be \$7.1 million based on the cost of the 2012 Presidential Preference Primary and a cost determined by Legislative Oversight.

Additionally, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. Their office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislation session. The fiscal impact to the Administrative Rules Division of their office for this requirement is less than \$2,500. Their office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, their office also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain with their core budget. Therefore, their office reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

FY 2017:

\$2,003,628 (notice to all voters)

\$48,096 (1 FTE)

**\$2,051,724 FY 2017 TOTAL**

FY 2018:

February 2018

\$1,002,067 (public advertisements)

\$9,800 (provisional ballots)

April 2018

\$1,002,067 (public advertisements)

\$9,800 (provisional ballots)

\$173,953 (notice to newly registered voters)

\$58,672 (1 FTE)

**\$2,256,359 FY 2018 TOTAL**

FY 2019:

August 2018

\$2,003,628 (notice to all voters)

\$1,002,067 (public advertisements)

\$9,800 (provisional ballots)

November 2018

\$2,003,628 (notice to all voters)

\$1,002,067 (public advertisements)

\$9,800 (provisional ballots)

February 2019  
\$9,800 (provisional ballots)

April 2019  
\$9,800 (provisional ballots)

\$173,953 (notice to newly registered voters)  
\$58,672 (1 FTE)

**\$6,283,215 FY 2019 TOTAL**

Officials from the **Office of the State Public Defender** indicated this joint resolution will not have any impact on their office.

Officials from the **State Treasurer's office** indicated this joint resolution would have no fiscal impact on their office.

Officials from **Greene County** indicated there are no estimated costs or savings to report from their county for this joint resolution.

Officials from **St. Louis County** indicated there will be no fiscal impact on their county as result of House Joint Resolution 53 because the Governor has determined that the election will take place in November of this year. A special election would have involved additional expense, but since the general election date has been selected, there will be no cost. No additional revenues, savings or losses are anticipated if the photo ID requirement is enacted.

Officials from the **Kansas City Election Board** indicated the fiscal impact of HJR 53 is difficult to estimate. However, they know there would be additional staff and election worker trainings (\$35,000) and legal notices (\$25,000) for a total of \$60,000 at minimum.

Officials from the **Platte County Board of Elections** indicated they expect no fiscal impact from the joint resolution.

Officials from the **Jackson County Election Board** indicated they see very little fiscal impact on their office.

The State Auditor's office did not receive a response from the **Department of Elementary and Secondary Education, Adair County, Boone County, Callaway County, Cass County, Clay County, Cole County, Jackson County Legislators, Jasper County, St. Charles County, Taney County, the City of Cape Girardeau, the City of Columbia, the City of Jefferson, the City of Joplin, the City of Kansas City, the City of Kirksville, the City of Mexico, the City of Raymore, the City of St. Joseph, the City of St. Louis, the City of Springfield, the City of Union, the City of Wentzville, the City of West Plains, Cape Girardeau 63 School District, Hannibal 60 School District, State Technical College of Missouri, Metropolitan Community**

**College, University of Missouri, St. Louis Community College, St. Louis County Election Board, St. Louis City Election Board, and Clay County Election Board.**

**Fiscal Note Summary**

The proposed amendment will result in no costs or savings because any potential costs would be due to the enactment of a general law allowed by this proposal. If such a general law is enacted, the potential costs to state and local governments is unknown, but could exceed \$2.1 million annually.