

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4588-02
Bill No.: HJR 77
Subject: Judges; Elections
Type: Original
Date: February 14, 2012

Bill Summary: This bill proposes a constitutional amendment requiring partisan election of state judges.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$0 or (More than \$7,000,000)	\$0 or (\$65,373,343)	\$0 or (\$63,873,343)
Total Estimated Net Effect on General Revenue Fund	\$0 or (More than \$7,000,000)	\$0 or (\$65,373,343)	\$0 or (\$63,873,343)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	0	0 or 1,124	0 or 1,124
Total Estimated Net Effect on FTE	0	0 or 1,124	0 or 1,124

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0 or \$63,873,343	\$0 or \$63,873,343

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration** state the proposal would not fiscally impact their agency and defer to the Office of the Secretary of State for the cost of placing the measure on the ballot.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed constitutional amendment would require the partisan election of all judges. In addition, it would divide the state into seven judicial circuits.

Currently, there are 45 judicial circuits in the state of Missouri. There would be significant costs associated with reducing the 45 judicial circuits into seven. It is unknown how the 10 single-county circuits will be dispersed into the seven judicial circuits. For the fiscal note, it is assumed there would be no single-county circuits; therefore, juvenile personnel costs would need to be paid by the state and not the county per §211.393, RSMo.

In FY '12, Juvenile and Juvenile Detention personnel costs for the 10 single-county circuits was 1,124 FTE and \$46,112,338 (average of \$41,025), plus fringes. At this time it is unknown the exact positions for each county this total includes. Typical positions would include: Chief Juvenile Officer, Chief Deputy Juvenile Officer, Juvenile Officer, Detention Aid Worker and other juvenile detention support staff. In FY '12, these 10 single-county circuits received reimbursement for a percentage of their juvenile personnel costs which totaled \$7,355,741. In FY '14, (a full 12-month general revenue appropriation) the total cost to the state would be \$63,873,343.

CTS' JIS (statewide court automation) system could operate in a seven judicial circuit environment; however, for consolidation of databases from 45 to 7, we would estimate a cost ranging from \$500,000 to \$1,500,000.

Judge travel may increase due to these changes; we estimate the impact to be unknown to \$100,000. Court forms would need to be converted. CTS assumes the presiding judge secretary positions will be reallocated to assist with the additional administrative duties this amendment would create and, as a result, no cost benefit would be realized.

Any additional significant increases not identified here will be reflected in future budget requests. The accompanying worksheets provide the total juvenile personnel costs to the state. The total cost will range from \$63 million to unknown.

ASSUMPTION (continued)

Oversight assumes if the provision is approved by voters in November of 2012, the changes in the courts would not take place immediately. Oversight will reflect the potential additional costs and savings to the Office of the State Courts Administrator starting in FY 2014. Oversight will range the fiscal impact from \$0 (constitutional amendment is not approved by voters) to the cost estimated by CTS. Oversight further assumes the potential cost to the state of paying for these juvenile officers would result in a savings to the counties.

In response to other Joint Resolutions from this year, officials at the **Office of the Secretary of State (SOS)** have assumed unless a special election is called for the purpose, Joint Resolutions are submitted to a vote of the people at the next general election. 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. Article III section 52(b) of the Missouri Constitution authorizes the general assembly to order a special election for measures referred to the people and Article XII section 2(b) authorizes the governor to call a special election to submit constitutional amendments to a vote of the people.

The SOS 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. The Secretary of State's 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. The appropriation has 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 2011, at the August and November elections, there were 6 statewide Constitutional Amendments or ballot propositions that cost \$1.02 million to publish (an average of \$170,000 per issue). Therefore, the Secretary of State's office assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. However, because these requirements are mandatory, we reserve the right to request funding to meet the cost of our publishing requirements if the Governor and the General Assembly change the amount or eliminate the estimated nature of our appropriation.

Oversight has reflected in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2013. This reflects the decision made by the Joint Committee on Legislative Research, that the cost of the elections should be shown in the fiscal note. The next scheduled general election is in November 2012 (FY 2013). It is assumed the subject within this proposal could be on that

ASSUMPTION (continued)

ballot; however, it could also be on a special election called for by the Governor. Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2013.

To estimate the expense the state would incur for reimbursing local political subdivisions for a special election, Oversight requested expense estimates from all election authorities for an election. Eighty-six out of the one hundred fifteen election authorities responded to Oversight's request. From these respondents; the total election expense that would have to be reimbursed by the state government is over \$7 million. Therefore, Oversight will reflect a potential cost borne by the state in FY 2013 of over \$7 million for reimbursement to the local political subdivisions. Oversight assumes the Governor could call for a special election to be held prior to November 2012 regarding this joint resolution; however, if a special election is not called, the subject will be voted on at the general election in November, 2012.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Expense</u> - Reimbursement of local political subdivisions for special election cost	\$0 or (More than \$7,000,000)	\$0	\$0
<u>Savings</u> - if passed by voters and none of the new 7 judicial circuits consist of a single county, the state would have to pay the full amount for juvenile court employees. This is the partial amount the state has reimbursed the counties for	\$0	\$0 or \$7,355,741	\$0 or \$7,355,741
<u>Expenses</u> -if passed by voters and none of the new 7 judicial circuits consist of a single county, the state would have to pay the full amount for juvenile court employees	\$0	\$0 or (\$71,229,084)	\$0 or (\$71,229,084)

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2013 (10 Mo.)	FY 2014	FY 2015
Costs - CTS - potential expense of consolidating the statewide court automation system from 45 circuits to 7	\$0	\$0 to (\$1,500,000)	\$0
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0 or (More than \$7,000,000)</u>	<u>\$0 or (\$65,373,343)</u>	<u>\$0 or (\$63,873,343)</u>
Estimated Net FTE Change for the General Revenue Fund	0	0 or 1,124	0 or 1,124
<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
LOCAL POLITICAL SUBDIVISIONS			
<u>Income</u> - cost reimbursement from the State for special election	\$0 or More than \$7,000,000	\$0	\$0
<u>Expense</u> - cost for special election	\$0 or (More than \$7,000,000)	\$0	\$0
<u>Savings</u> - -if passed by voters and none of the new 7 judicial circuits consist of a single county, the state would have to pay the full amount for juvenile court employees	<u>\$0</u>	\$0 or <u>\$63,873,343</u>	\$0 or <u>\$63,873,343</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0 or \$63,873,343</u>	<u>\$0 or \$63,873,343</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

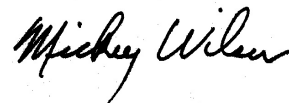
Upon voter approval, this proposed constitutional amendment repeals the provisions regarding the selection of judges and requires all judges to be elected. Judges of the Supreme Court will serve eight-year terms instead of 12-year terms. Any vacancy in a judicial office will be filled at the next general election. The current judicial appointment process making use of commissions and gubernatorial appointment and the restrictions on judicial campaigning for office and membership in political parties are repealed. A judge currently on the bench may serve out the remainder of his or her term and these provisions will apply to new judicial vacancies.

The General Assembly must divide the state into seven judicial circuits after each decennial census. Supreme Court judges will be elected by statewide ballot. Appellate judges will run within the boundaries of existing districts established prior to the new circuits. Circuit judges will run within the boundaries of the new circuits established by the General Assembly after each decennial census. Associate circuit judges will run for office within the county.

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
Office of the State Courts Administrator
Office of Administration



Mickey Wilson, CPA
Director
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