

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 123** SLS 19RS 142
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 17, 2019 1:01 PM **Author:** CHABERT
Dept./Agy.: Secretary of State **Analyst:** Willis Brewer
Subject: Electorate to propose and adopt or reject laws

ELECTION CODE OR INCREASE GF EX See Note Page 1 of 2

Provides for initiative measures for use by the electorate to propose and adopt or reject laws and constitutional amendments. (2/3 - CA13s1(A))

Proposed constitutional amendment establishes an initiative to allow voters to propose laws or constitutional amendments and to adopt or reject such proposals; requires an initiative measure to be submitted by any elector or group of electors to the secretary of state, prior to circulation for signatures and requires the secretary of state to submit the text to the La. State Law Institute which shall prepare, within 45 days, the text and title of the measure and a ballot proposition not exceeding 400 words summarizing the measure; requires the secretary of state to submit the petition within seven days to the legislative fiscal officer for preparation of a fiscal note; requires the secretary of state to adopt rules specifying the form of the petition and requirements for verification; requires the petition signatures to be collected and grouped by parish; requires that the registrar of voters in each parish verify the signatures of those qualified electors within their respective jurisdiction within 30 days; and provides that only the signature of qualified electors shall be counted to satisfy signature requirements.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						

REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						

EXPENDITURE EXPLANATION

Proposed constitutional amendment will likely create an increased workload and corresponding increase in SGF expenditures for the Secretary of State (SOS) and the Louisiana State Law Institute, and an increased workload for the Legislative Fiscal Office (LFO) in order to publish the petitions, draft ballot language, and prepare a fiscal note to allow for voters to propose, adopt, or reject laws or constitutional amendments.

SOS will be required to develop and publish administrative rules, review petitions for compliance, and place valid propositions on the ballot. SOS will be required to publish a notice 30-60 days prior to the election in the official journal of each parish. SOS estimates it will require publishing two rules at a total one-time cost of \$2,400 (\$1,200 x 2) and processing four propositions in official journals per year at a projected annual cost of \$72,000 (\$18,000 x 4). Other one-time costs include three months (240 hours) of programming changes to SOS' Elections Registration & Information Network (ERIN) to handle fee collection on the proposition screen, fee maintenance, and reports for both accounting and elections at a projected cost of \$24,000 (240 hours x \$100 per hour). Finally, SOS estimates it will require one new Elections Specialist position to administer the program at a total annual cost of \$77,806 (\$47,986 salary, \$29,820 related benefits) and additional one-time costs of \$1,500 for a computer, software, and printer. The LFO cannot determine or validate the staff level necessary for SOS to comply with the provisions of **proposed constitutional amendment**. To the extent the workload may be less than what SOS anticipates, the additional workload may be absorbed either wholly or partially using the existing staff and resources or the provisions may be achievable through overtime worked by existing staff or by the use of When Actually Employed (WAE) employees.

To the extent two or more ballot proposals are determined by the La. Law Institute to be in conflict (see page 2), SOS will be required to place the items on the ballot as alternative proposals, where only one of which may be voted on in the affirmative. **NOTE: The current Election Day Machines cannot be programmed to handle alternative proposals and implementing this provision would require the replacement of the current inventory of 9,542 Election Day machines.** The cost of a voting system to handle this type of request is indeterminable but is anticipated to be significant. **SEE EXPENDITURE EXPLANATION CONTINUED ON PAGE 2**

REVENUE EXPLANATION

Proposed constitutional amendment will result in an indeterminate increase in SGR revenues by the Secretary of State (SOS) from the fee for filing the petitions. **Proposed constitutional amendment** requires the SOS to adopt, by rule, a reasonable fee for the filing of petitions. SOS does not know at this time how much the fee will be or how many petitions they may receive; therefore, the revenue cannot be projected.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Staff Director

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CONTINUED EXPLANATION from page one:

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EXPENDITURE EXPLANATION CONTINUED FROM PAGE 1

Within seven days of receiving the petition, SOS will send the petition to the Law Institute to prepare the text and title (ballot language) to summarize its provisions. The Law Institute will also be responsible for determining if two or more ballot proposals are in conflict. The Law Institute estimates it will require one additional Attorney at a minimum annual cost of \$100,000 (\$60,000 salary, \$40,000 related benefits). The LFO cannot determine or validate the staff level necessary for the Law Institute to comply with the provisions of **proposed constitutional amendment**. To the extent the workload may be less than what the Law Institute anticipates, the additional workload may be absorbed either wholly or partially using the existing staff and resources or the provisions may be achievable through overtime worked by existing staff or WAE employees.

In addition, SOS will send the petition within seven days of receiving it to the Legislative Fiscal Office (LFO) in order to prepare a fiscal note. The LFO routinely prepares fiscal notes and anticipates it will be able to absorb the additional workload using existing staff and resources.

Senate Dual Referral Rules

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