

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 23, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1025 by Ogden (Relating to the votes required for a candidate to be elected to office.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1025, As Introduced: a negative impact of (\$500,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$500,000)
2011	\$0
2012	(\$500,000)
2013	\$0
2014	(\$500,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2010	(\$500,000)
2011	\$0
2012	(\$500,000)
2013	\$0
2014	(\$500,000)

Fiscal Analysis

The bill would amend the Election Code to change the calculation for determining what constitutes the winner of an election or a tie vote for public offices other than federal office.

Provisions of the bill would apply only to an election held on or after September 1, 2009. The bill would take effect the same date.

Methodology

According to the Secretary of State (SOS), it is difficult to estimate the fiscal impact since the number of candidates in a race and the competitiveness of an election are difficult to predict. However, based on an analysis of the 2008 primary results for state and district office, SOS identified two races in the

Democratic primary (state representative district 27 and district attorney, 258th district) and one race in the Republican runoff (district judge, 17th district) that would have required second elections pursuant to provisions of the bill. In contrast, several of the officials that won statewide office in November 2008, would not have been elected and would have been forced to participate in a second election.

Based on the 2008 election results, SOS estimates a 3 percent to 5 percent increase in the cost of conducting elections, which would be an additional \$500,000 per election.

Technology

SOS reports the agency would need to reprogram the ballot certification and canvass software and election night reporting software in order to incorporate the new formula for determining winners. The agency anticipates this would be accomplished with existing resources.

Local Government Impact

The change in calculation, in and of itself, would have no fiscal impact; however, if the change in calculation were to lead to more tied contests, and therefore more recounts or more runoff elections, the local government entity would incur additional election-related costs. Election costs vary by local government entity, depending on the number of precincts and the number of registered voters. For example, in Harris County, where there are almost 1.9 million registered voters, the cost of a special election is approximately \$1.4 million; in Cass County, where there are close to 17,400 registered voters, the cost of a special election is approximately \$15,000.

Source Agencies: 307 Secretary of State

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