

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 6, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

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

IN RE: HB418 by Berman (Relating to requiring certain candidates to pay a filing fee or file a petition as a qualification to appear on the ballot for the general election for state and county officers.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow independent candidates to file a fee in lieu of a petition in order to be placed on a ballot. The bill would require candidates nominated by means of a political convention to pay a filing fee or file a petition in order to be placed on a ballot.

The filing fees for a statewide or district office would be deposited in a special account in the General Revenue Fund that may be appropriated only to the Secretary of State for programs related to ballot security. The Secretary of State would be required to prescribe the deadline for the fee payments or filings. The filing fees for a county or precinct office would be deposited into a special account in the county general fund that may be used by the county only for programs related to ballot security.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Although it is not known how many candidates would file a filing fee instead of a petition, it is assumed that there would be a small probable gain to the newly-created General Revenue-dedicated Account within the General Revenue Fund, and those funds would be subject to appropriation by the legislature to the Secretary of State for programs relating to ballot security.

The bill would take effect September 1, 2011.

Local Government Impact

The bill would allow a county judge to collect a filing fee for an independent candidate in a general election as an alternative to the current provision requiring a petition for inclusion on the ballot. Filing fees collected by county judges would be deposited in a special account in the county's general fund for ballot security programs.

Revenue generated by the bill would vary by county depending on the number of applicants opting to pay a fee as an alternative to filing a petition; however, fiscal impact is not anticipated to be significant.

Source Agencies: 304 Comptroller of Public Accounts, 307 Secretary of State

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