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FISCAL IMPACT STATEMENT

LS 6277

BILL NUMBER: SB 35

NOTE PREPARED: Nov 8, 2004

BILL AMENDED:

SUBJECT: Recall Elections.

FIRST AUTHOR: Sen. Drozda

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides for the recall of an elected or appointed school board member or a town legislative body member if the Public Access Counselor has issued an advisory opinion that determines that the school board or the town legislative body has violated a public access law.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Summary:* Under the bill, the Election Commission would be required to prescribe a form for both a certified recall petition and an application. The Commission could incur additional expenditures of producing the forms.

An advisory opinion issued by the Public Access Counselor (PAC) that public access laws had been violated would be a requirement before proceeding with a recall election of a school board or town legislative body member.

Background Election Commission: The Election Commission had printing costs of about \$260 for forms and \$2,200 for non-forms in FY 2005. The Commission's resources should be sufficient to develop the forms necessary to comply with the bill.

Background Public Access Counselor: The Public Access Counselor is charged by law to investigate inquiries and complaints on possible violations of state public access laws. Inquiries and complaints may originate from the public, media, or government. In FY 2004, the PAC received 29 complaints about town agencies and 8 complaints about school corporations. In FY 2004, the PAC issued a total of 189 written advisory opinions.

In FY 2003 the PAC received 39 complaints about town agencies and 33 complaints about school corporations. The PAC issued a total of 91 written advisory opinions in FY 2003.

Explanation of State Revenues:

Explanation of Local Expenditures: Under the bill, the first step to initiate a recall election against a member of a school board or town legislative body would require the Public Access Counselor to issue an advisory opinion that determined that the school board or town legislative body of the member had violated a public access law. Additional provisions as specified in the bill would also have to be met for the option of a recall election to be allowed under the bill.

If the above provisions are met, a recall election would be mandated if a certified recall petition is signed by at least 10% of the registered voters in the election district served by an elected board member or the school corporation served by an appointed board member. Under the bill, a certified recall petition would be scheduled for either the next primary or general election to be held more than 60 days after the certification. The window of 60 days before the next election (either primary or general) should minimize any increase in costs due to the reprinting of election ballots.

Under the bill, if the circuit court clerk denies certification of a recall petition, the officer is required to notify the petitioner by certified mail. The United States Postal Service reports that the cost of certified mail is currently \$0.37 for first-class postage, \$3.85 for a priority mail envelope, and an additional \$2.30 for certified mail. An optional return receipt is an additional \$0.45 for priority mail and \$0.55 for first-class mail.

Explanation of Local Revenues:

State Agencies Affected: Election Commission.

Local Agencies Affected: Office of the Circuit Court Clerk.

Information Sources: Office of the State Auditor; *Annual Report of the Public Access Counselor, FY 2003* and *FY 2004*; US Postal Service, www.usps.com/consumers/domestic.htm.

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