

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Fiscal Note

BILL NUMBER: Senate Bill 106 (First Edition)

SHORT TITLE: Defense of Marriage.

SPONSOR(S): Senators Forrester, Tillman, and Soucek

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>
REVENUES					
EXPENDITURES					
- State Board of Elections			See Assumptions and Methodology		
- Secretary of State		\$300			
POSITIONS (cumulative):					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Elections, Secretary of State, County Boards of Elections					
EFFECTIVE DATE: When the bill becomes law					

BILL SUMMARY:

Senate Bill 106 would place an amendment on the ballot of the November 6, 2012 statewide general election that would amend Article 14 of the North Carolina Constitution to add a Section 6. The newly added Section 6 would provide that marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in the State. Should the majority of the voters approve the amendment, the State Board of Elections would certify the amendment to the Secretary of State to be enrolled in the permanent records of that office. The amendment process is effective when the bill becomes law. Should the majority of the voters approve the amendment, the effective date is January 1, 2013.

ASSUMPTIONS AND METHODOLOGY:

The analysis provided only considers the cost of placing an amendment on the ballot for the November 2012 general election as required by Sections 2 through 5 of the bill.

State Board of Elections

The State Board of Elections provided an estimate of the fiscal impact of submitting the proposed State Constitutional amendment to the qualified voters of the State at the November 2012 general election

Under G.S. 163-33(8), the State Board of Elections is required to reimburse the county boards of elections for their reasonable additional costs in placing required notices, advertisements, and publications for amendments to the State Constitution. County boards of elections must give notice at least 20 days before the date on which the registration books or records are closed that there will be a general election. The notice must include the following information for that election:

- Date
- Hours the voting places will be open for voting
- A description of the nature and type of election
- The issues, if any, to be submitted to the voters

According to the State Board of Elections, county boards of elections would only incur additional advertising expense if the General Assembly enacts the legislation placing the item on the ballot after the county board of elections would ordinarily provide the required notice. Given that the proposed constitutional amendment would not be placed on the ballot until November 2012, action on this legislation is likely to occur before the county boards of elections would ordinarily provide the required notices for the November 2012 general election.

The State Board of Elections estimates that reimbursing counties for the cost to run a public notice three times in a newspaper for all one hundred counties would be up to \$450,000, if the counties are notified of the constitutional amendment after they would ordinarily provide the required notice *and* subsequently requested reimbursement. Staff consulted two newspapers and found that while this estimate may be high, it can be considered reasonable. The State Board of Elections indicates, however, that no counties have requested reimbursement for reasonable additional costs for placing required notices for the most recent constitutional amendment that was placed on the November 2, 1010 general election.

Secretary of State

G.S. 147-54.10 requires the Constitutional Amendments Publications Commission, of which the Secretary of State is the Chairman, to prepare an explanation of any proposed amendment, revision, or new Constitution. The Commission must send a copy of the summary along with a news release to each county board of elections and make a copy available to any registered voter or representative of the media. The Department of the Secretary of State (SOS) estimates a cost of \$300 in FY 2011-12 for postage and supplies to mail approximately 600 notifications and news releases to the media and county boards of elections explaining the proposed amendment. SOS has

determined that additional staff time needed can be absorbed by current staff. Fiscal Research concurs with this estimate.

SOURCES OF DATA: State Board of Elections, Secretary of State, News and Observer (advertisement costs), Charlotte Observer (advertisement costs).

SOURCES OF DATA: April 29, 2011

TECHNICAL CONSIDERATIONS: None

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DATE: May 2, 2011



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