

**NORTH CAROLINA GENERAL ASSEMBLY  
LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 1057 (First Edition)

**SHORT TITLE:** Defense of Marriage.

**SPONSOR(S):** Senator Forrester

<b>FISCAL IMPACT</b>				
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>	
	<b><u>FY 2004-05</u></b>	<b><u>FY 2005-06</u></b>	<b><u>FY 2006-07</u></b>	<b><u>FY 2007-08</u></b> <b><u>FY 2008-09</u></b>
<b>REVENUES</b>				
<b>EXPENDITURES</b>				
State Board of Elections	Up to \$150,000 NR See Assumptions and Methodology			
Secretary of State	\$2,000 NR See Assumptions & Methodology			
<b>POSITIONS: (cumulative)</b>				
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> State Board of Elections, Secretary of State				
<b>EFFECTIVE DATE:</b> The constitutional amendment set out in Section 1 shall be on the November 2004 general election ballot.				

**BILL SUMMARY:** SB 1057 amends Article 14 of the North Carolina Constitution by adding a new section providing that marriage is the union of one man and one woman at one time and that this is the only marriage that is recognized as valid in North Carolina. The bill also provides that the uniting of two persons of the same sex or the uniting of more than two persons of any sex in a marriage, civil union, domestic partnership, or other similar relationship within or outside of North Carolina shall not be valid or recognized in North Carolina. The constitution shall not be construed to require that marital status or the rights, privileges, benefits or other legal incidents of marriage be conferred upon unmarried individuals or groups. This proposed amendment would be submitted to the voters in the November 2004 general election. The amendment set out in Section 1 shall become effective January 1, 2005 if a majority of votes are cast in its favor and the State Board of Elections certifies the amendment to the Secretary of State.

*Source: Modified from Bill Digest S.B. 1057 (05/13/2004)*

## **ASSUMPTIONS AND METHODOLOGY:**

State Board of Elections: Section 2 of this bill would require that the proposed constitutional amendment set out in Section 1 of the bill be submitted to qualified voters at the general election in November 2004. North Carolina G.S. § 163-33(8) directs county boards of elections to provide for the issuance of all notices, advertisements, and publications concerning elections required by law. When the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the voters of the State, § 163-33(8) requires the State Board of Elections to reimburse the county boards of elections for their reasonable *additional* costs in placing such notices, advertisements, and publications. Because county boards of elections can include notification of the constitutional amendment in the general notice of election items the counties are required to provide, then counties generally would not incur any *additional* costs in providing notices, advertisements, and publications concerning the proposed amendment. However, as provided for in Session Law 2003-403 and Session Law 2003-423, two other constitutional amendments will appear on the November ballot. The State Board indicates there may be a need for the issuance of a separate notice of the constitutional amendments. The directive to do so would be made by the State Board under its inherent authority provided by Chapter 163 of the General Statutes. If the State Board of Elections determines that a separate notice be published, then the State Board will need to reimburse the county boards of elections for their reasonable *additional* costs in placing the required notice.

The State Board of Elections has historically estimated that the average cost for notices, advertisements, and publications is \$100,000 or an average \$1,000 per county. The State Board of Elections estimates the average cost to the counties to provide the notices, advertisements, and publications concerning elections required by law is now \$150,000 or \$1,500 per county due to anticipated advertising cost increases. The State Board indicates that advertising costs vary across the state and required notices are to be run three times. The county boards would incur an estimated \$150,000 additional expense to be reimbursed by the State Board *only* if they are required to issue a separate notice for the constitutional amendments by the State Board. Because of the lack of current costs of notices, advertising, and publications across the state and not being able to confirm whether the publication of a separate notice for the constitutional amendments will be required, Fiscal Research cannot reasonably estimate the state's reimbursement to the county boards of elections for placing this constitutional amendment on the ballot this November.

### Secretary of State:

General Statute §147-54.10 requires the Constitutional Amendments Publication Commission within the Department of the Secretary of State to prepare an explanation of a proposed amendment in simple and commonly used language at least 60 days prior to the election in which the proposed amendment will appear on the ballot. The Department is responsible for printing the summary in a quantity to be determined by the Secretary. A copy of the summary along with a press release must be sent to each county board of elections. The Department must also make copies available, in a manner within his/her discretion, to any registered voter or representative of the print or broadcast media making a request for the document.

The Department provided two estimates for the cost of administering the publication provisions of G.S. 147-54-10. Their first estimate of \$50,000 is based on a plan that would generate public discussion about the proposed constitutional amendment. Specifically, the Department would send

copies of the summary to the media outlets, run radio public service announcements and place links on commercial websites to make the public aware that a summary of the proposed constitutional amendment is available from the Secretary of State. This estimate includes:

1. \$2,000 for printing and mailing 2 deluxe packages of information about the proposed amendment to each of the 100 county boards of elections and the 400 media outlets;
2. \$8,000 to print (and mail upon request) 10,000 standard packets of information for distribution to the public;
3. \$35,000 for running public service announcements for 10 days on the North Carolina News Network; and
4. \$5,000 to place links leading to an explanation/discussion site on the Internet.

Their second estimate of \$2,000 would allow the Department to meet the minimal requirements of the statute. This estimate includes the cost of approximately 1,500 copies of a brochure which explains the proposed constitutional amendment and the cost for mailing the brochures to each of the county boards of elections and to registered voters or members of the media who request a copy of the summary. This estimate includes printing only a small number of the brochures because, the Department believes there would be little demand for the brochures unless it takes the steps noted in its first proposal to make the public aware of the availability of the explanation.

The Fiscal Research Division believes that the second estimate for \$2,000 will allow the Department to satisfy the requirements of the statute. However, we also believe the plan for making the public aware of the availability of the explanation, which is the basis for their \$50,000 estimate, is not unreasonable.

As noted above for the State Board of Elections, two constitutional amendments will appear on the ballot in November 2004 as a result of legislation passed during the 2003 Session of the General Assembly. No funding has been appropriated to cover the requirement of publicizing those two amendments. Fiscal Research believes that the estimates provided by the Department could cover the cost of all three amendments.

**SOURCES OF DATA:** State Board of Elections, Secretary of State

**TECHNICAL CONSIDERATIONS:** None

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**DATE:** July 6, 2004



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