

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF ON
HOUSE BILL NO. 2606**

As Agreed to March 30, 2004

Brief*

HB 2606, as amended, would authorize county election officials to transmit official election results to the Secretary of State using a secure electronic transmission method.

Pursuant to an amendment adopted by the Senate Committee of the Whole, the bill would also amend the Uniform Electronic Transactions Act to authorize the Secretary of State to promulgate rules and regulations establishing procedures for an electronic notarization.

Conference Committee Action

The House conferees agreed to the Senate amendments to the bill, and the Conference Committee agreed to amend the bill's title to cover certain electronic transactions, instead of referring only to election-related electronic transmissions.

Background

State law requires county election officers to submit official election results (abstracts) following the meeting of the county board of canvassers. According to testimony presented by an official from the Secretary of State's Office, the Secretary of State prints, binds, and distributes these books to each county before each state primary and general election. Once the county board of canvassers certifies the county's election results, the county election office completes each abstract by hand and sends it to the Secretary of State by

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

registered mail. When these abstract books are received, the Secretary of State's Office re-keys the election results into the state database, from which are produced the official election results that are certified by the State Board of Canvassers.

The Secretary of State requested this bill in order to streamline the process by authorizing the secure electronic transmission of these abstracts directly from the county election offices. According to the official from the Secretary of State's Office, electronic transmission of the abstracts would eliminate the intermediate steps, currently required, of hand-transcribing the election results into a hard-copy book and mailing the book by registered mail. The official stated most counties currently use an electronic database to compile their election results. Because the bill is permissive, any county could still submit the printed abstract book.

No testimony was heard on the bill, other than that of the Secretary of State's Office.

Currently, K.S.A. 16-1611 (part of the Uniform Electronic Transactions Act) deems satisfied a requirement that a signature or record be notarized, acknowledged, verified or made under oath, if the electronic signature of the person authorized to perform these acts is "attached to or logically associated with the signature or record." The Secretary of State has no authority to adopt rules regarding electronic notarization.

The Senate Committee of the Whole amended the bill to authorize the promulgation of rules and regulations establishing procedures for an electronic notarization.

The Conference Committee changed the bill's title.

According to the fiscal note provided by the Division of the Budget, HB 2606 in its original form would not have a net effect on expenditures in FY 2005, because the costs of providing for secure electronic transmission would be offset by savings. The costs include the annual purchase of a digital certificate for each county at \$40 apiece (for a total of \$4,200 for the 105 counties), as well as some programming costs to the Secretary of State's election database to receive the election results. The savings include a reduction in staff time related to the abstract book's design, printing, and distribution, as well as related printing costs. In addition, the Secretary of State's Office reported some federal funding associated with the Help

America Vote Act (HAVA) may be used for the certificates. Moreover, the security system will be used for other purposes as well.

The fiscal note also indicates county election offices might incur some small costs in converting their electronic election results to a format that could be accommodated by the Secretary of State's program. However, according to the fiscal note, counties have indicated they can offset their costs with savings from staff time now devoted to preparing the paper abstracts. In addition, the Kansas Association of Counties states passage of the bill would reduce expenditures at the county level by an amount that could not be estimated at the time the fiscal note was issued. Counties using electronic transmission would save in mailing costs as well.

A fiscal note on the amended bill was not available at the time of passage by the Committee.