

March 9, 2011

The Honorable Terrie Huntington, Chairperson
Senate Committee on Ethics and Elections
Statehouse, Room 235-E
Topeka, Kansas 66612

Dear Senator Huntington:

SUBJECT: Fiscal Note for SB 222 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 222 is respectfully submitted to your committee.

Under current law, first-time voters are required to provide a form of valid identification when they vote and registered voters are not. SB 222 would require all voters to provide a valid form of identification when they vote. The bill would prohibit a county election officer from providing a mail-in advance voting ballot to a person without verifying that the signature of the person matches that on file in the county voter registration records. Forms of valid identification for first-time voters applying to receive a mail-in advance voting ballot would no longer include a utility bill, bank statement, paycheck, government check, or other government document that shows the applicant's name and address. However, registered voters applying to receive an advance voting ballot in person would be allowed to submit the following forms of valid identification with the application: a current and valid Kansas driver's license or non-driver's identification card, utility bill, bank statement paycheck, government check, or other government document that shows the applicant's name and address.

SB 222 would require voter registration applications to include a box for the county election officer or chief state election official to check to indicate whether the applicant has provided the information necessary to assess the eligibility of the applicant. When the county election officer or Secretary of State has verified United States citizenship by obtaining Kansas driver's license numbers, Kansas non-driver's identification card numbers, or Social Security numbers electronically, the county election officer or Secretary of State would be required to reject any application for voter registration where satisfactory evidence of United States citizenship cannot be verified. The bill would increase the penalty of the crime of election perjury or false impersonation of a voter from a severity level 9 to a severity level 8, nonperson felony. The penalty for the crime of voting without being qualified would be a severity level 8,

nonperson felony. The bill would increase the penalty of the crime of election tampering from a severity level 8 to a severity level 7, nonperson felony.

The bill would make the penalty for the crime of voting more than once a class A misdemeanor. Upon a second or subsequent conviction the penalty would be a severity level 9, nonperson felony. SB 222 would move the date of the county canvass of election results from Friday to Monday following the election. The bill would move from Monday to the second Thursday following the election, the date when the county election officer may move the canvass if prior notice is published in a newspaper with general circulation in the county. The bill would also require the Secretary of State to design and implement a voter outreach campaign to inform voters of the new identification requirements through the use of advertisements, public service announcements, broadcast television, radio, cable television, and the websites of the Secretary of State and the Governor.

Beginning July 1, 2012, the Secretary of State would be required to investigate past occurrences and current opportunities for voter fraud in the use of electronic voting systems and report to the Legislature on the fifteenth day of each legislative session, findings and a plan to prevent instances of voter fraud. The Secretary of State would be required to adopt the rules and regulations necessary to implement the provisions of the bill. However, the provisions would have no force and effect if funding was not appropriated to implement them. In addition, the provisions in the bill could be severed if they were found to be unconstitutional. The bill includes a provision that would preclude from liability for damages the Department of Revenue or employees acting within their scope of employment resulting from any claim based on the transfer of any motor vehicle record information to the Secretary of State that is required or permitted by law.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2011 SGF | FY 2011 All Funds | FY 2012 SGF | FY 2012 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | \$65,000 | \$65,000 |
| FTE Pos. | -- | -- | -- | -- |

The Secretary of State indicates that SB 222 would increase expenditures from the State General Fund by \$65,000 in FY 2012 and \$185,000 in FY 2013. The FY 2012 expenditures would include a one-time cost of \$10,000 to program the system for verifying driver's license and Social Security numbers; a one-time cost of \$5,000 to develop training materials for county election officers; a one-time cost of \$10,000 to develop training materials for poll workers; and \$40,000 to produce and air radio advertisements and to publish newspaper advertisements in every county. The FY 2013 expenditures would include \$60,000 for the production and airing of radio advertisements and publishing newspaper advertisements in every county and \$125,000 to produce and air advertisements on broadcast television and cable television media. The agency indicates that the costs associated with implementing the remaining provisions of the bill would be negligible and could be absorbed within existing resources. The Kansas Sentencing

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Commission indicates that SB 222 would have no fiscal effect on the adult prison system. Any fiscal effect associated with SB 222 is not included in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Christy Myers, Secretary of State's Office
Steve Neske, Revenue
Melissa Wangemann, KS Association of Counties