

## HOUSE BILL No. 2780

By Committee on Federal and State Affairs

3-7

---

1 AN ACT concerning the secretary of state; relating to ballot language  
2 statements.

3

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) A county election officer may request the preparation  
6 of a ballot language statement for the purposes of explaining the language  
7 of a ballot question of any municipality as defined by K.S.A. 75-6102, and  
8 amendments thereto.

9 (1) If the ballot question language was derived from a petition  
10 submitted to the office of the county attorney, district attorney or county  
11 counselor pursuant to K.S.A. 25-3601, and amendments thereto, such  
12 county election officer shall request the office of the county attorney,  
13 district attorney or county attorney, as applicable, to prepare the ballot  
14 language statement in compliance with the requirements of subsection (a)  
15 (3).

16 (2) If the ballot language statement did not derive from a petition  
17 submitted to the office of the county attorney, district attorney or county  
18 counselor pursuant to K.S.A. 25-3601, and amendments thereto, such  
19 county election officer shall request the office of secretary of state to  
20 prepare the ballot language statement in compliance with the requirements  
21 of subsection (a)(3).

22 (3) A ballot language statement shall fairly and accurately explain  
23 what a vote for and what a vote against the measure represents. Such ballot  
24 language statements shall be true and impartial statements of the effect of a  
25 vote for and against the measure in language neither intentionally  
26 argumentative nor likely to create prejudice for or against the proposed  
27 measure. A ballot language statement shall be prepared and transmitted in  
28 good faith and without malice.

29 (b) (1) Within 15 days of a request by a county election officer to  
30 prepare a ballot language statement pursuant to subsection (a)(1), the  
31 office of the county attorney, district attorney or county counselor, as  
32 applicable, shall prepare and forward such ballot language statement to the  
33 office of secretary of state for approval by the secretary of state or the  
34 secretary of state's designee that such ballot language statement complies  
35 with the requirements of subsection (a)(3). Within five days following  
36 receipt of the ballot language statement, the office of secretary of state

1 shall furnish the county election officer the ballot language statement as  
2 approved by the office of secretary of state as in compliance with the  
3 requirements of subsection (a)(3).

4 (b) (2) The secretary of state or the secretary's designee shall prepare  
5 a ballot language statement within 20 days of a request by a county  
6 election officer to prepare a ballot language statement pursuant to  
7 subsection (a)(2).

8 (c) A ballot language statement prepared under this section shall be  
9 posted in each polling place and made available for public inspection in  
10 the office of the county election officer. A ballot language statement  
11 prepared under this section may be posted on the official website of the  
12 county.

13 (d) There shall be no cause of action at law or in equity challenging  
14 the validity of the form of a ballot language statement prepared under this  
15 section. There shall be no liability on the part of and no cause of action of  
16 any nature shall arise against the secretary of state, the secretary of state's  
17 employees, the county election officer, the county attorney, the district  
18 attorney or the county counselor as a result of the preparation of a ballot  
19 language statement under this section. The preparation of a ballot  
20 language statement shall not form any basis for an election contest or  
21 result in the waiver of any immunity by the state or any of its subdivisions.

22 Sec. 2. This act shall take effect and be in force from and after its  
23 publication in the Kansas Register.