

February 5, 2013

The Honorable Scott Schwab, Chairperson
House Committee on Elections
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Schwab:

SUBJECT: Fiscal Note for HB 2162 by House Committee on Elections

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2162 is respectfully submitted to your committee.

HB 2162 pertains to local question-submitted elections and would establish a procedure for the addition of a ballot language statement, or explanatory statements, to ballots if needed to clarify confusing ballot questions. If an election is caused by a petition, the county or district attorney or the county counselor would be required to submit a ballot language statement if it was determined to be necessary by the county election officer. The draft statement would be submitted to the Secretary of State for approval within 15 days of the request by the county election officer. The Secretary of State would have five days to return the approved ballot language statement to the county election office.

If an election is caused by an action of a local governing body, the Secretary of State would be required to draft an explanatory statement if it was determined to be necessary by the county election officer. The Secretary of State would be required to submit the statement to the Office of the Attorney General within 15 days. The Attorney General would have five days to return the ballot language statement as approved to the county election office. The explanatory statement would be posted at the polling place, provided to registered voters and those voting by advance ballot, and made available in the county election office for public inspection, but would not be placed on the ballot.

HB 2162 provides that ballot language statements would fairly and accurately explain what a vote for or against the measure represents, be true and impartial, and be prepared and transmitted in good faith and without malice. In addition, the bill would prohibit any cause of action at law or in equity challenging the validity of the form of a ballot language statement. The bill would also prohibit any liability against the Attorney General, any Assistant Attorney General, the Secretary of State or its employees, the county election officer, the county attorney, the district attorney, or the county counselor as a result of the preparation of a ballot language

The Honorable Scott Schwab, Chairperson

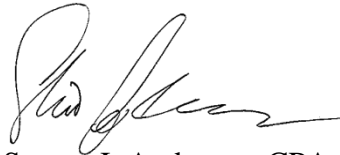
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statement. Finally, the bill provides that preparation of a ballot language statement would not form any basis for an election contest or result in the waiver of any immunity by the State of Kansas or any of its subdivisions. HB 2162 would take effect upon its publication in the *Kansas Register*.

The Office of the Secretary of State estimates that any costs associated with HB 2162 would be negligible and could be absorbed within existing resources. However, the agency indicates that the bill could result in expenses related to the addition of a part-time legal staff member if the number of special elections exceeds expectations. The Office indicates that the bill would have a fiscal effect on county election offices and the offices of county attorneys, district attorneys, and county counselors, but because any estimate would be determined by the number of local jurisdictions choosing to conduct special elections a specific cost cannot be provided. A request for fiscal effect information has been sent to the Kansas Association of Counties. If any specific information regarding the bill's fiscal effect on counties is provided, a revised fiscal note will be submitted.

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: Melissa Wangemann, Kansas Association of Counties
Rachel Sciolaro, Secretary of State's Office