

February 8, 2013

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 63 by Senate Committee on Ethics, Elections and Local Government

In accordance with KSA 75-3715a, the following fiscal note concerning SB 63 is respectfully submitted to your committee.

SB 63 would amend current law by expanding and increasing penalties for several voting crimes. The crime of voting more than once would be defined as knowingly voting, offering to vote, or inducing any person to vote in the same jurisdiction or more than once in the same jurisdiction. Voting more than once would be a severity level 7, nonperson felony. District attorneys or county attorneys, the Attorney General, or the Secretary of State would be designated independent authorities to prosecute any person who has violated any act that constitutes an election crime.

The penalty for crimes relating to advanced ballots would increase from a class C misdemeanor to a level 9, nonperson felony. The crime of election bribery would include an exemption for businesses or organizations that provide a product of a value less than \$3 to any person who asserts that the person had voted.

The crime of voting without being qualified would be amended and defined as knowingly voting or attempting to vote in any election district when not a lawfully registered voter in the district. It would also include knowingly voting or attempting to vote at any election by a person who is not a citizen of the United States or who does not otherwise meet the qualifications of an elector. The penalty for voting without being qualified would increase from a class A misdemeanor to a level 7, nonperson felony.

The penalty for election tampering would increase from a severity level 8, nonperson felony to a severity level 7, nonperson felony. The crime of false impersonation of a voter would be amended to mean representing oneself as another person whether real or fictitious. The penalty for false impersonation of a voter would increase from a severity level 9, nonperson felony to a severity level 8, nonperson felony. Finally, the bill would amend voter declarations

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by adding that the voter declares he or she is qualified to vote and has not previously voted and will not vote again in any other jurisdiction in the United States in that same election.

The Office of the Secretary of State indicates that any fiscal effect resulting from the enactment of SB 63 could be absorbed within existing resources. Also, according to the Office and the Kansas Association of Counties, the bill would likely have no fiscal effect on local governments. Similarly, the Office of the Attorney General reports that there would be no fiscal effect on agency operations.

The Office of Judicial Administration states that the bill has the potential for increasing the number of cases related to voting crimes filed in district and appellate courts. Also, the bill's provisions could result in additional questions of fact or challenges to the law. The additional cases or challenges would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees and penalties. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. The Office expects that because most of the bill's provisions amend current law there would not be a significant number of new filings. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

According to the Kansas Sentencing Commission, the bill would have no effect on prison admissions or bed needs. The Commission indicates that only one offender was arrested in the past five years for the crime of voting without being qualified and there have been no convictions of any felony voting or election crimes during the same period. Any fiscal effect associated with SB 63 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



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

cc: Courtney Canfield, Secretary of State's Office
Willie Prescott, Attorney General's Office
Melissa Wangemann, KAC
Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, KDOC