

March 11, 2019

The Honorable Elaine Bowers, Chairperson  
Senate Committee on Ethics, Elections and Local Government  
Statehouse, Room 223-E  
Topeka, Kansas 66612

Dear Senator Bowers:

**SUBJECT:** Fiscal Note for SB 4 by Senator Hensley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 4 is respectfully submitted to your committee.

SB 4 would amend current law, which establishes the process and procedures for hearing objections to the nominations of candidates for national and state offices. Under current law, those objections are heard by the Lieutenant Governor, Secretary of State, and Attorney General. The bill would establish the Kansas Objections Board comprised of five members appointed by the Governor, Senate President, Senate Minority Leader, Speaker of the House of Representatives, and Minority Leader of the House of Representatives from the Kansas Objections Board Judiciary Pool established by the bill.

Membership in the Judiciary Pool would be limited to retired district court judges who have volunteered to serve, if appointed and have been deemed qualified to serve by the officers of the Kansas District Judges Association based upon their mental fitness and ability to decide objections without bias, prejudice, or partiality.

Appointments to the Board would be made on or before January 31, 2020, and January 31 of each even numbered year thereafter. The appointments would be for a two-year term and members may serve no more than two consecutive terms. The Board may meet as it determines appropriate and upon call of the chair. Members of the Board would select a chairperson.

The Board would be authorized to act in a quasi-judicial manner for the purposes of hearing and deciding objections. Board meetings would be subject to the Kansas Open Meetings Act, except for Board deliberations. Decisions of the Board upon an objection would not be binding precedent in any subsequent decision against a person who was not a party to the original objection and hearing. Actions by the Board would be by a majority vote and would be recorded in the minutes.

Any person appearing before the Board would have the right to be represented by counsel. The Board may issue subpoenas compelling the attendance and testimony of witnesses or the production of documents, records, or any other evidence.

All Board hearings would be held at the Office of the Secretary of State. The Secretary of State would provide hearing and office facilities for the Board as requested by the Board, including, but not limited to, hearing and meetings rooms, Internet access, computers, copiers, printers, and other office machines. Board members would receive compensation, subsistence, and mileage.

| Estimated State Fiscal Effect |                |                      |                |                      |
|-------------------------------|----------------|----------------------|----------------|----------------------|
|                               | FY 2019<br>SGF | FY 2019<br>All Funds | FY 2020<br>SGF | FY 2020<br>All Funds |
| Revenue                       | --             | --                   | --             | --                   |
| Expenditure                   | --             | --                   | --             | \$50,000             |
| FTE Pos.                      | --             | --                   | --             | --                   |

The Office of the Secretary of State states enactment of SB 4 would require the agency to provide meeting rooms and other office equipment as requested by the Board. The agency estimates additional fee fund expenditures of \$50,000 in FY 2020 and future fiscal years, if the bill is enacted, as it would need to purchase or lease most of the equipment for the Board members. Further, the agency indicates any cost associated with locating meeting and hearing rooms would be negligible.

The Office of the Attorney General estimates any fiscal effect associated with the enactment of SB 4 would include defense coverage under the Kansas Tort Claims Act if the Board were the subject of a lawsuit. Depending on the workload of the agency’s civil litigation attorneys, and the precise subject matter of the challenge, which could necessitate specialized legal expertise, there could be a need to retain outside counsel. The cost of hiring outside counsel would depend on which outside counsel is selected.

The Office of Judicial Administration estimates enactment of SB 4 would have no fiscal effect on the operations of the Judicial Branch. Any fiscal effect associated with SB 4 is not reflected in *The FY 2020 Governor’s Budget Report*.

Sincerely,



Larry L. Campbell  
Division of the Budget

cc: Janie Harris, Judiciary  
Bryan Caskey, Office of the Secretary of State  
Willie Prescott, Office of the Attorney General