

February 6, 2024

The Honorable Pat Proctor, Chairperson
House Committee on Elections
300 SW 10th Avenue, Room 218-N
Topeka, Kansas 66612

Dear Representative Proctor:

SUBJECT: Fiscal Note for HB 2603 by Representatives Howerton and Underhill

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2603 is respectfully submitted to your committee.

HB 2603 would establish the six-member Citizens' Election Oversight Board. The Board would be authorized to review, investigate, and report on citizen complaints on the conduct of elections and election procedures, included but not limited to voter registration, advance voting procedures, access to the polls, use of election equipment, handling of ballots, canvassing of ballots and, election audits. The subject of the complaints reported to the Board could be related to policies and procedures of the Secretary of State or one or more county election officers or both. The bill would provide for the powers and duties of the Board. The Board would be required to develop and implement a tracking system for all complaints it receives. If the Board refers a complaint to a different authority, the Board could recommend various actions including additional audits of election results, review of and changes to election policies and procedures, and prosecution of one or more individuals for violations of federal or state law.

Members of the Board would be appointed by each recognized political party, the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, the Secretary of State, the Office of the Attorney General, and the Kansas County Clerks and Election Officials Association. Members appointed by the Secretary of State, the Office of Attorney General, and the Kansas County Clerks and Election Officials Association would be considered nonvoting ex officio members. The Secretary of State would provide technical and clerical staff assistance to the Board. The Secretary would also provide assistance to the Board to submit on or before the second Wednesday of January of each year a report to the Governor and the Legislature summarizing the activities of the Board during the immediately preceding calendar year. The Office of the Attorney General would provide investigatory services, not to exceed ten hours per month unless additional services are agreed to by the Attorney General.

The Board would adopt policies and procedures to implement the bill's provisions. The bill's provisions would expire on July 1, 2029. On or before the first Monday of January 2029, the Secretary of State would submit notice to Legislature of the pending expiration of the bill's provisions.

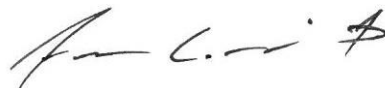
Estimated State Fiscal Effect			
	FY 2024	FY 2025	FY 2026
Expenditures			
State General Fund	--	--	--
Fee Fund(s)	--	55,000	60,000
Federal Fund	--	--	--
Total Expenditures	--	\$55,000	\$60,000
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	0.5	0.5

The Office of the Attorney General states that under HB 2603, the investigatory services it would provide to the Board would be absorbed within existing resources.

The Secretary of State states it would hire a 0.50 FTE position at the cost of \$55,000 in FY 2025 that would be dedicated to assisting the Board as outlined in the bill. The agency would also use existing resources to assist the Board with various other requests not performed by the new position. The Office of Judicial Administration indicates it would implement HB 2603 using existing resources. Any fiscal effect associated with HB 2603 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates the fiscal effect of HB 2603 on the counties would depend on the number of complaints the Citizens' Election Oversight Board received. If there are a few or no complaints that require a hearing, the bill would not have a fiscal effect. If there are several hearings, the bill would have a fiscal effect on the counties. However, the Association is unable to estimate a fiscal effect.

Sincerely,



Adam C. Proffitt
 Director of the Budget

cc: Trisha Morrow, Judiciary
 Tom Day, Legislative Services
 Jay Hall, Kansas Association of Counties
 William Hendrix, Office of the Attorney General
 Sandy Tompkins, Office of the Secretary of State