

April 25, 2023

The Honorable Mike Thompson, Chairperson  
Senate Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 144-S  
Topeka, Kansas 66612

Dear Senator Thompson:

**SUBJECT:** Fiscal Note for SB 262 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 262 is respectfully submitted to your committee.

SB 262 would make various changes to current election laws. The bill would set forth requirements for the use of paper ballots including, requiring all paper ballots to have a serial number. On or after January 1, 2024, voter ballots would be required to be marked by hand and only manual hand counting would be permitted for counting of votes. The bill would also prohibit the purchase, lease, rent, or use of electronic poll books and electromechanical vote tabulating equipment, including optical scanning equipment on or after January 1, 2024. SB 262 would also amend how votes cast are reported to the Secretary of State and how the agency would report unofficial results to the public. In addition, prior to January 1, 2024, electronic or electromechanical voting system or electronic poll book fraud would be a severity level 9 nonperson felony.

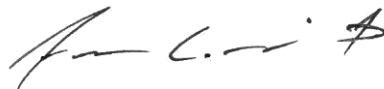
The bill would define “approval of the Legislature” as the Secretary of the State advising the Legislature of a proposed determination or adoption of a rule or regulation. The determination, rule, or regulation would not be effective if prior legislative advise is not provided, unless and until affirmatively approved by the Legislature or Legislative Coordinating Council (LCC). The Legislature would be authorized to revoke the determination, rule, or regulation at any time by concurrent resolution or when the legislature is not in session or is adjourned, the determination, rule, or regulation could be approved or revoked by the LCC. For a period of 30 calendar days before any election, no rule or regulation could be adopted by the Secretary that would affect the elections. Rules and regulations regarding voting procedures adopted after July 1, 2024, would require the approval of the Legislature.

Under SB 262, the Secretary of State indicates it would use existing resources to provide training and update manuals for county election officials; update the agency's website; update public documents and information; and work with media, political parties, candidates, and the public to ensure knowledge of the updated vote counting requirements in the bill. The agency also estimates the bill could affect county election expenditures if the counties realized savings by not using voting equipment versus hiring significantly more temporary election employees to count every ballot by hand in every election. The agency does not have sufficient data to calculate the fiscal effect on the counties.

The Kansas Sentencing Commission estimates enactment of SB 262 could have an effect on prison admissions, bed space, and workload of the Commission; however, any fiscal effect would be negligible. The Kansas Judicial Branch and the Department of Corrections indicate SB 262 would not have a fiscal effect. The Legislature states SB 262 would have negligible fiscal effect on its budget. Any fiscal effect associated with SB 262 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates that because SB 262 would prohibit the use of electronic poll books and electromechanical vote tabulating equipment, including optical scanning equipment, the counties' equipment would result in a monetary loss. In addition, the counties could experience increased labor expenses to count votes by hand. The Association is unable to estimate the fiscal effect the bill would have on counties.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Jay Hall, Kansas Association of Counties  
Karen Clowers, Legislative Services  
Sandy Tompkins, Office of the Secretary of State