

February 3, 2014

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

Dear Representative Schwab:

SUBJECT: Fiscal Note for HB 2518 by House Committee on Elections

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2518 is respectfully submitted to your committee.

HB 2518 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 ballot questions. If an election results from a petition, the county or district attorney or the county counselor must submit a ballot language statement as requested by the county election officer within ten days of certification. 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 results from an action of a local governing body instead of a petition, the Secretary of State would be required to draft an explanatory statement if it was determined to be necessary by the county election officer within ten days of publication. The Secretary of State must 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 2518 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,

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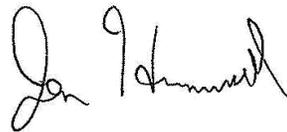
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the district attorney, or the county counselor as a result of the preparation of a ballot language statement. Finally, the bill provides that preparation of a ballot language statement would not form any basis for an election contest or result in the waiver of any immunity by the State of Kansas or any of its subdivisions.

The Office of the Secretary of State estimates that any costs associated with HB 2518 would be negligible and could be absorbed within existing resources, but if the number of special elections exceeds expectations, the bill could result in expenses related to the addition of a part-time legal staff member. The Office indicates that the bill would increase costs for 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 estimate cannot be provided.

A request for fiscal effect information has been sent to the Kansas Association of Counties, but no response had been received at the time this fiscal note was prepared. 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 "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,  
Interim Director of the Budget

cc: Desiree Taliaferro, Secretary of State's Office  
Melissa Wangemann, KAC