

January 29, 2015

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

Dear Senator King:

SUBJECT: Fiscal Note for SB 34 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 34 is respectfully submitted to your committee.

SB 34 would re-categorize the act of intentionally voting more than once or attempting to intentionally vote more than once. Under current law, these activities are defined within the crime of voting without being qualified. The crime of intentionally voting more than once would include voting or attempting to vote more than once in the same jurisdiction or in more than one jurisdiction during an election. The crime would also include inducing or aiding any person to vote more than once. The penalty for voting more than once would be increased from a class A misdemeanor to a severity level seven, nonperson felony.

The crime of voting without being qualified would be amended to clarify that it would be a violation to knowingly vote or attempt to vote in any election district when the person is not lawfully registered in the district. Voting without being qualified 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. Violations of the above crimes would be increased from a class A misdemeanor to a severity level seven, nonperson felony.

The crime of false impersonation of a voter would be changed to include the impersonation of both real and fictitious persons. The penalty for the crime would be increased from a severity level nine, nonperson felony to a severity level eight, nonperson felony.

The penalty for election crimes relating to advance voting would be increased from a class C misdemeanor to a severity level nine, nonperson felony. The crime of election tampering would be increased from a severity level eight, nonperson felony to a severity level seven, nonperson felony.

A new exception to the crime of election bribery would be added for any business or organization that provides a product of value less than \$3 to any person who asserts that he or she has voted, as long as the product is given without regard to the substantive content of the person's vote.

Independent authority to prosecute election crimes would be vested in the district or county attorney of the county where the violation occurred; the Kansas Attorney General; and the Kansas Secretary of State.

The Secretary of State indicates that SB 34 would create costs of approximately \$15,000 in FY 2016 and \$10,000 in FY 2017 from any trial preparations and travel expenses that may result from the bill. However, the agency states that these costs can be absorbed within current resources and no additional staff would be needed. While it is anticipated that there would be no fiscal effect on county election offices, the precise fiscal effect on district or county attorney offices is difficult to determine because the number of cases that would be handled by local governments is unknown.

The Office of the Attorney General reports that the bill may cause more election crime investigations to be referred to the agency, which would have a fiscal effect in the form of additional staff time. However, it is estimated that any fiscal effect resulting from additional cases for the Office would be absorbed by existing staff.

According to the Office of Judicial Administration, increasing the penalties for voting crimes could increase the number of appeals filed. This would require appellate court judicial and non-judicial personnel to spend more time processing, researching, and hearing cases. Any additional appeals would also increase appellate docket fee revenue. However, it is not possible to predict the number of additional appeals that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

The Kansas Sentencing Commission indicates that the bill would have no effect on prison admissions or prison bed space. Any fiscal effect associated with SB 34 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Desiree Taliaferro, Secretary of State's Office
Willie Prescott, Attorney General's Office
Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary 3
Jeremy Barclay, DOC