

March 13, 2012

The Honorable Scott Schwab, Chairperson
House Committee on Elections
Statehouse, Room 561-W
Topeka, Kansas 66612

Dear Representative Schwab:

SUBJECT: Fiscal Note for HB 2780 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2780 is respectfully submitted to your committee.

HB 2780 pertains to local question-submitted elections. The bill would allow county election officers to request the preparation of a ballot language statement to explain the language of the ballot question. If an election is caused by a petition, the county or district attorney or the county counselor would be required to submit a ballot language statement if determined to be necessary by the county election officer. 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 ballot language statement as approved to the county election office.

If an election is caused by an action by a local governing body, the Secretary of State would be required to draft an explanatory statement if determined to be necessary by the county election officer. The Secretary of State would be required to submit the statement to the county election office within 20 days. The explanatory statement would be posted at the polling place on election day and available in the county election office for public inspection. The county election office could also post the ballot language statement on the county's official website.

HB 2780 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 Secretary of State or its employees, the county election officer, the county attorney, the district attorney, or the county counselor as a result of the preparation of a ballot language statement.

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Finally, the bill provides that 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. HB 2780 would take effect upon its publication in the *Kansas Register*.

The Secretary of State estimates that the costs associated with HB 2780 would be negligible and could be absorbed within existing resources. However, the agency indicates that the bill could result in expenses related to the addition of one part-time legal staff if the number of special elections exceeds expectations.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Desiree Taliaferro, Secretary of State's Office
Melissa Wangemann, Kansas Association of Counties