

HOUSE BILL No. 2518

By Committee on Elections

1-27

1 AN ACT concerning elections; relating to ballot language statements.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) A county election officer may request the preparation
5 of a ballot language statement for the purposes of explaining the language
6 of a ballot question of any municipality as defined by K.S.A. 75-6102, and
7 amendments thereto.

8 (1) If a request is submitted pursuant to this subsection and if the
9 ballot question language was derived from a petition submitted to the
10 office of the county attorney, district attorney or county counselor pursuant
11 to K.S.A. 25-3601, and amendments thereto, such county election officer
12 shall, within 10 days of certification, request the office of the county
13 attorney, district attorney or county counselor, as applicable, to prepare the
14 ballot language statement in compliance with the requirements of
15 paragraph (3).

16 (2) If a request is submitted pursuant to this subsection and if the
17 ballot question language did not derive from a petition submitted to the
18 office of the county attorney, district attorney or county counselor pursuant
19 to K.S.A. 25-3601, and amendments thereto, such county election officer
20 shall, within 10 days of publication, request the office of secretary of state
21 to prepare the ballot language statement in compliance with the
22 requirements of paragraph (3).

23 (3) A ballot language statement shall fairly and accurately explain
24 what a vote for and what a vote against the measure represents. Such ballot
25 language statements shall be true and impartial statements of the effect of a
26 vote for and against the measure in language neither intentionally
27 argumentative nor likely to create prejudice for or against the proposed
28 measure. A ballot language statement shall be prepared and transmitted in
29 good faith and without malice.

30 (b) (1) Within 15 days of a request by a county election officer to
31 prepare a ballot language statement pursuant to subsection (a)(1), the
32 office of the county attorney, district attorney or county counselor, as
33 applicable, shall prepare and forward such ballot language statement to the
34 office of secretary of state for approval by the secretary of state or the
35 secretary of state's designee that such ballot language statement complies
36 with the requirements of subsection (a)(3). Within five days following the

1 receipt of the ballot language statement, the office of secretary of state
2 shall furnish the county election officer with the ballot language statement
3 as approved by the office of secretary of state as in compliance with the
4 requirements of subsection (a)(3).

5 (2) Within 15 days of a request by a county election officer to prepare
6 a ballot language statement pursuant to subsection (a)(2), the secretary of
7 state or the secretary's designee shall prepare and forward such ballot
8 language statement to the office of the attorney general for approval by the
9 attorney general, or any assistant attorney general, that such ballot
10 language statement complies with the requirements of subsection (a)(3).
11 Within five days following the receipt of the ballot language statement, the
12 office of the attorney general shall furnish the county election officer with
13 the ballot language statement as approved by the office of the attorney
14 general as in compliance with the requirements of subsection (a)(3).

15 (c) A ballot language statement prepared under this section shall be:

16 (1) Posted in each polling place, but shall not be placed on the ballot;

17 (2) provided to registered voters voting by advance ballot. Such ballot
18 language statement shall not be placed on the ballot when provided to a
19 registered voter voting by advance ballot; and

20 (3) made available for public inspection in the office of the county
21 election officer. A ballot language statement prepared under this section
22 may be posted on the official website of the county.

23 (d) There shall be no cause of action at law or in equity challenging
24 the validity of the form of a ballot language statement prepared under this
25 section. There shall be no liability on the part of and no cause of action of
26 any nature shall arise against the attorney general, any assistant attorney
27 general, the secretary of state, the secretary of state's employees, the
28 county election officer, the county attorney, the district attorney or the
29 county counselor as a result of the preparation of a ballot language
30 statement under this section. The preparation of a ballot language
31 statement shall not form any basis for an election contest or result in the
32 waiver of any immunity by the state or any of its subdivisions.

33 Sec. 2. This act shall take effect and be in force from and after its
34 publication in the statute book.