



To: House Committee on Elections

From: Michael Koss, League of Kansas Municipalities

Date: February 6, 2013

RE: HB 2162

Thank you for allowing the League of Kansas Municipalities to comment on HB 2162. We believe that confusing ballot questions are rare, and that local governments already have the capacity to create explanatory statements. However, we support the effort to clarify confusing ballot language, and if the Legislature sees fit to standardize a ballot explainer process, we suggest creating a process that gives local officials the ability to explain local ballot questions.

We recommend amending the bill so that the designated attorney of the municipality drafts the ballot language statement (see attached). Our city attorneys are fully capable of providing clear, unbiased explainer language, and are bound by oath to carry out the duties of their office. These local officials are best suited to summarize community issues, and are more accountable to the electorate than are state officers.

We also believe that the multiple levels of government bureaucracy necessary in the current bill may hinder the ability of municipalities to meet special election deadlines. For example, municipal bond elections generally must be held within 45 days after calling for the election. K.S.A. 10-120. If the county elections officer requests a ballot explainer 26 days after the election is called, the election may have to be postponed while state agencies process it. Making the municipality's attorney responsible for the ballot explainer creates a responsive process for tight deadlines.

In conclusion, we respectfully request the suggested amendment be made if the bill is to be passed out of committee. I will be happy to stand for questions at the appropriate time.

HOUSE BILL No. 2162

By Committee on Elections

1-30

1 AN ACT concerning the secretary of state, relating to ballot language
2 statements.

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

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

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

designated attorney of
the municipality
holding the election

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

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

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

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

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

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14 (c) A ballot language statement prepared under this section shall be:
15 (1) Posted in each polling place, but shall not be placed on the ballot;
16 (2) provided to registered voters voting by advance ballot. Such ballot
17 language statement shall not be placed on the ballot when provided to a
18 registered voter voting by advance ballot; and

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

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

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32 Sec. 2. This act shall take effect and be in force from and after its
33 publication in the Kansas register.