

Petition Circulators and Ballot Language Statements; HB 2130

HB 2130 addresses elections issues regarding petition circulators and ballot language statements.

Petition Circulators

The bill removes the requirement that a petition circulator be a resident of the State of Kansas and possess the qualifications of an elector.

It creates a definition of “petition circulator” to mean a person who is a U.S. citizen, is at least 18 years of age, and has not been convicted of a felony or, if convicted of a felony, has been pardoned or restored to that person’s civil rights. In addition, all petition circulators must submit to the jurisdiction of the state for purposes of subpoena enforcement regarding the integrity and reliability of the petition process.

Ballot Language Statements

The bill creates new law concerning ballot language statements. The bill allows county election officials to request the preparation of a ballot language statement to explain the language of any municipal ballot question. If a request is submitted, the next steps depend somewhat on whether the ballot question language was derived from a petition.

- If such a request is made, and if the ballot question language was derived from a petition submitted to a county attorney, district attorney, or county counselor, the election officer is required, within ten days of certification of the petition, to request the applicable office prepare the ballot language statement. Within 15 days of a county election officer’s request for a ballot language statement, the office drafting the language is required to prepare and forward the language to the Secretary of State’s office for approval. After receiving the language, the Secretary of State has five days to provide approved language to county officials.
- If a request is made, and if the ballot question language did not derive from a petition submitted to a county attorney, district attorney, or county counselor, the county election officer is required, within ten days of publication of the local government resolution, to request the Secretary of State’s Office to prepare the statement. Within 15 days of a county election officer’s request for a ballot language statement, the Secretary of State’s Office must prepare and forward the language to the Attorney General for approval. After receiving the language, the Attorney General has five days to provide the approved language to county officials.

Ballot language statements must fairly and accurately explain what a vote for and a vote against the question represents. Such statements must be true and impartial and cannot be intentionally argumentative or likely to create prejudice for or against a proposed measure. Statements are required to be prepared and transmitted in good faith and without malice.

Ballot language statements are required to be:

- Posted in each polling place, but cannot be placed on the ballot;
- Provided to registered voters voting by advance ballot, but cannot be placed on advance ballots; and
- Made available for public inspection at the county election office, but can be posted on the county website.

The bill expressly provides that there is no legal cause of action to challenge the validity of the form of a ballot language statement. The bill also provides that there is no liability for the Attorney General, assistant Attorney General, Secretary of State, Secretary of State's employees, county election officers, county attorneys, district attorneys, or county counselors who prepare ballot language statements.

Preparation of ballot language statements cannot form the basis for an election contest and does not result in the waiver of state immunity.

If a ballot language statement is not available to insert with advance ballots, it will not be prepared or otherwise made available.

The Secretary of State is authorized to promulgate rules and regulations addressing the rights and responsibilities of elections officials.