

April 25, 2023

The Honorable Mike Thompson, Chairperson  
Senate Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 144-S  
Topeka, Kansas 66612

Dear Senator Thompson:

**SUBJECT:** Fiscal Note for SB 260 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 260 is respectfully submitted to your committee.

SB 260 would prohibit the use of remote ballot boxes. The bill would define “remote ballot boxes” as any form of ballot box designated by the county election officer as available for the use of depositing advance voting ballots. A remote ballot box would not include ballot boxes located in a county election office. The bill would require county election officers to provide the Secretary of State with election-related materials obtained from all precincts to be available on the Secretary’s website at least 72 hours prior to certification of any election. Election-related materials would include but not be limited to chain-of-custody documents, ballots, cast-vote records, and any surveillance videos. The bill would also provide procedures for transmitting and reporting of unofficial results of the election.

The bill would define “approval of the legislature” as the Secretary of the State notifying the chairperson of the Legislative Coordinating Council (LCC) of a decision of the Secretary requiring legislative approval within one business day after the day the decision was made. The LCC would be authorized to review the Secretary’s decision. The Legislature would be authorized to approve or revoke the decision at any time by concurrent resolution or when the Legislature is not in session or is adjourned, the decision could be approved or revoked by the LCC. For a period of 30 calendar days before any election, such revocation shall occur not later than three calendar days after the day the Secretary gives notice of the Secretary’s decision to the chairperson of LCC, otherwise the decision is deemed approved for such election. Rules and regulations regarding paper ballots adopted after July 1, 2024, would require the approval of the Legislature.

SB 260 would make a registered voter with a permanent or temporary disability or with a permanent or temporary illness eligible to vote by advance voting ballot to be transmitted by mail. In addition, all applications for advance voting ballots would be required to be in writing and notarized. If the voter is applying for an advance voting ballot to be transmitted by mail, the voter

must include a statement, if applicable, that the person filing the application has been diagnosed with a permanent or temporary illness or has a permanent or temporary disability. The county election officer would be prohibited from providing the advance voting ballot without the statement. The bill would also provide that provisional ballots would not be counted without proper verification of a voter’s signature. In addition, the bill would allow an employed person two hours of leave of absence to file an application for an advance voting ballot or to transmit a voted ballot to the county election officer.

The bill would also change the deadline for when applications for advance voting ballots transmitted to the voter in person must be filed. Currently, the applications must be filed by the Tuesday next preceding the election and on each subsequent business day until no later than noon on the day preceding the election as well as the Saturday preceding the election. The bill would change the deadline to between 10 days prior to such election and noon on the day preceding the election. The bill would also no longer allow the county election officer to designate places other than the central county election office as satellite advance voting sites which allowed a registered voter to obtain an application for advance voting ballots. Current election laws provide requirements for soliciting by mail a registered voter to file an application for advance voting ballot. Violation of these requirements is currently considered a class C, nonperson misdemeanor. SB 260 would increase the severity of the violation to a severity level 3, nonperson felony.

SB 260 would require advance voting ballots to be received by the county election officer by 7:00 pm on the date of the election. The bill would remove the deadline for advance voting ballots to be received by the county election office by the third day after election day. In addition, county election officers would be required to produce a full accounting of the number of advance ballots mailed, received, accepted, rejected, missing, and destroyed for each election.

SB 260 would also limit a precinct to no more than 1,000 persons as determined by the most recent data published by the federal Bureau of the Census. A voter could only vote at a voting place located within the precinct of the voter’s residence. The county election officer would also be required to provide sheriff’s deputies for security purposes at each voting place on the day of election. In addition, electronic and electromechanical voting systems would no longer have to comply with the requirements of the federal Help America Vote Act of 2002 and other federal rules and regulations governing voting equipment. The bill would also revise the list of legal public holidays by removing Columbus Day and adding General Election Voting Day, the Tuesday succeeding the first Monday in November.

Estimated State Fiscal Effect				
	FY 2023 SGF	FY 2023 All Funds	FY 2024 SGF	FY 2024 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$300,000	\$300,000
FTE Pos.	--	--	--	--

Under SB 260, the Secretary of State would request \$300,000 from the State General Fund for FY 2024 to conduct an informational campaign to inform voters of the changes contained in

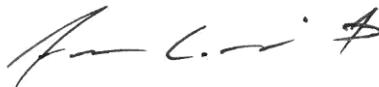
the bill. The agency would also use existing resources to provide training and update manuals for county election officials; update the agency's website; update public documents and information; and work with media, political parties, candidates, and the public to ensure knowledge of the updated requirements contained in the bill. In addition, the agency estimates the bill could increase county expenditures as a result of increasing the number of physical polling places, which would each need to be American Disability Act accessible. If the county would be unable to find suitable facilities, the counties could spend millions of dollars in upgrades for locations to be used twice a year. Furthermore, the counties would be required to pay holiday pay to temporary workers and sheriff's deputies for the new state holiday created by the bill. The agency does not have sufficient information to calculate the fiscal effect of the bill on counties.

The Kansas Sentencing Commission indicates SB 260 could have an effect on prison admissions, bed space, and workload of the Commission; however, any fiscal effect would be negligible. The Department of Corrections indicates SB 260 would not have a fiscal effect. The Kansas Judicial Branch indicates because SB 260 increases the criminal penalty there could be less supervision of offenders required to be performed by court services officers. The enactment of the bill could decrease the collection of supervision fees that would be deposited into the State General Fund; however, the agency is unable to estimate a fiscal effect.

Legislative Services indicates that it would publish the bill in the *Kansas Register* at cost of approximately \$650, which would be absorbed within the agency's existing resources. Any fiscal effect associated with SB 260 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates counties would no longer have to maintain and provide for remote ballot boxes, which could result in a decrease of expenses for county elections. Counties would have to post election records for public inspection after an election and within 72 hours prior to the certification of any election, including any audit or recount records. This would result in increased election expenses, including labor costs, for counties. Lack of sheriff deputy availability could result in closing polling places as well. The Association is unable to calculate the fiscal effect of the bill on counties.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Karen Clowers, Legislative Services  
Sandy Tompkins, Office of the Secretary of State  
Jay Hall, Kansas Association of Counties  
Scott Schultz, Sentencing Commission  
Randy Bowman, Department of Corrections  
Vicki Jacobsen, Judiciary