

April 19, 2023

CORRECTED

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: Corrected Fiscal Note for SB 321 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following corrected fiscal note concerning SB 321 is respectfully submitted to your committee.

SB 321 amends current election laws regarding voting registration, voting procedures, and nomination and filings of candidates for presidential preference primary elections. The bill would require applications for advance voting ballots for a presidential preference primary election transmitted to the voter by mail, to be filed with the county election office between January 1 of the year such election is held and 30 days prior to the day of the election. In addition, the county election officer could not designate any date earlier than the Tuesday next preceding a presidential preference primary election for the filing of applications for advance voting ballots transmitted to the voter in person in the county election office. The transmission of advance voting ballots for presidential preference primary elections would be transmitted to the voter using the same requirements for primary elections for state offices.

In addition, registration of voters for a presidential preference primary election would end 30 days preceding the day of such election. County election officers would be required to accept and process voter registration applications received from voter registration agencies and the Division of Motor Vehicles not later than the 31st day preceding the date of such election and accept and process mailed applications that are postmarked no later than the 31st day preceding such election, except if the postmark is illegible or missing, such application must be received in the mail no later than the 19th day preceding such election.

The bill would exempt presidential preference primary elections from the requirement of a manual audit of votes by the county election officer. In addition, on March 19, 2024, each political party, recognized by statute, would be required to hold a presidential preference primary election for the purpose of electing the preferred nominee of a political party for the office of President and Vice President. This requirement would not apply to a political party whose candidate for Governor did not poll at least 5.0 percent of the total vote cast for all candidates for Governor in the preceding general election or to a political party that has submitted written notice to the Secretary of State on or before December 1, 2023, that the party has elected to not participate in the presidential preference primary election.

In addition, a voter who has not declared party affiliation with a political party by 30 days preceding the day of a presidential preference primary election would not be permitted to vote at the presidential preference primary. The bill would revise the requirements for the name of a candidate for President to be printed on ballots. Currently, a candidate for President has the option of filing with the Secretary of State a declaration of intent with a \$100 filing fee or the candidate could file a petition signed by 1,000 registered voters of the same political party as the candidate. The bill would also increase the candidate’s filing fee from \$100 to \$10,000. The Secretary of State would be required to publish each presidential candidate’s name not less than 31 days prior to the presidential preference primary.

The bill would require advance voting ballots for a presidential preference primary election to be transmitted to the county election officer no later than the 14th day preceding the date of such election, and ballots received after the closing time of the polls on the date of such election would not be counted. Advanced voting in person would start no earlier than eight days prior to such election. The bill would also set the timeline for advance ballot votes to be delivered by the county election office to the County Board of Canvassers for canvassing.

Estimated State Fiscal Effect				
	FY 2023 SGF	FY 2023 All Funds	FY 2024 SGF	FY 2024 All Funds
Revenue	--	--	\$50,000	\$50,000
Expenditure	--	--	\$5,050,000	\$5,050,000
FTE Pos.	--	--	--	--

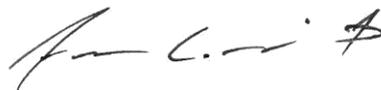
The Secretary of State indicates it would use existing resources to provide training and update manuals for county election officials; update the agency’s website; update public documents and information; and work with media, public, political parties, candidates, and the public to ensure knowledge of the rules governing the presidential primary election, which are different from rules of other elections. The agency notes that if a media campaign is desired, the agency would request \$50,000 from the State General Fund to publish the notice of election in all 105 counties. In addition, the agency indicates there could be legal challenges to the administrative law governing the proposed presidential primary election; however, the agency is unable to

estimate the fiscal effect of the litigation for which the agency would request appropriation from the State General Fund.

The agency indicates that each county would have to conduct the presidential primary election which would increase county election offices' expenditures. According to existing laws, the State would reimburse the counties for direct expenses and not indirect expenses. The counties would submit the expenses to the State through the Secretary of State for reimbursement. If the Secretary approves the expenses, the expenses would be submitted to the Department of Administration for reimbursement from the State General Fund. After consultation with the counties, the agency estimates the State could reimburse the counties for approximately \$5.1 million from the State General Fund. In the original fiscal effect table, the State General Fund revenue was overstated by \$5,000,000 and expenditures understated by the same amount. Any fiscal effect associated with SB 321 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates passage of SB 321 could increase election costs for the 105 Kansas counties. These expenses could be eligible for reimbursement by the State; however, that is not guaranteed.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Jay Hall, Kansas Association of Counties
Sandy Tompkins, Office of the Secretary of State