

February 16, 2017

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2014 by Representative Carmichael

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2014 is respectfully submitted to your committee.

HB 2014 would amend existing law concerning penalties for voting crimes. Current law specifies the number of advance ballots that can be marked by a voter, how these ballots may be transmitted to the county election officer, and who is prohibited from signing these ballots. Violation of any of the statutory provisions is a severity level 9, nonperson felony. HB 2014 would make these violations class C misdemeanors. In addition, the definition of election bribery under current law exempts a business or organization that provides a product valued at less than \$3 to persons who assert that they have voted, without regard to how the person voted. HB 2014 would remove that exemption.

The bill would also clarify existing law concerning voting or attempting to vote when not qualified by prohibiting voting or offering to vote more than once at the same election or inducing or aiding a person to vote more than once at the same election. Currently, voting without being qualified is a severity level 7, nonperson felony. The bill would make this violation a class A misdemeanor. Under current law, election tampering is a severity level 7, nonperson felony, and false impersonation of a voter is a severity level 8, nonperson felony. HB 2014 would make election tampering a severity level 8, nonperson felony and false impersonation of a voter a severity level 9, nonperson felony.

According to the Secretary of State, enactment of HB 2014 would eliminate the Secretary of State as an office that has independent authority to prosecute election crimes. The agency indicates that expenses for prosecution of election crimes currently amount to a few thousand dollars a year and are paid from existing resources. Any savings realized would be directed to

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other agency responsibilities. Any fiscal effect associated with HB 2014 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Linda Borrer, Office of the Secretary of State
Willie Prescott, Office of the Attorney General