

February 7, 2023

The Honorable Pat Proctor, Chairperson
House Committee on Elections
300 SW 10th Avenue, Room 218-N
Topeka, Kansas 66612

Dear Representative Proctor:

SUBJECT: Fiscal Note for HB 2190 by House Committee on Elections

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2190 is respectfully submitted to your committee.

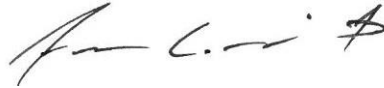
HB 2190 would create and define two new crimes, interference with an election official and failure to comply with statewide voter registration database requirements. The crime of interference with an election official would be classified as a severity level 7, nonperson felony. The crime of failure to comply with statewide voter registration database requirements would be a severity level 10, nonperson felony. The bill would also expand the definition of the crime of intimidating a voter to include physical violence or intimidation, monitoring a voter at a polling place, threats of legal action without a legal basis, and threats to disseminate a voter's personal information. Under the bill, the Kansas Secretary of State would no longer have the authority to prosecute elections crimes and would instead notify the Kansas Attorney General, district attorney or county attorney of suspicions and evidence of an election crime. The bill would also define special election and require a candidate for city office to file a candidacy form with the county election officer instead of the city clerk. The bill would establish requirements for public inspection of the voter registration database, and public inspection of a voter's ballot would be limited to the voter who cast the ballot.

The Secretary of State indicates it would use existing resources to draft and adopt new rules and regulations as well as 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, law enforcement officials, and the public to ensure knowledge of the changes in elections law administration and election crimes. The agency also indicates there would be no cost savings due to the removal of prosecutorial authority of election crimes under HB 2190 because the agency does not have employees that prosecute election crimes.

The Kansas Sentencing Commission estimates that enactment of HB 2190 could have an effect on prison admissions, bed space, and workload of the Commission; however, any fiscal effect would be negligible. The Office of the Attorney General indicates that any additional costs resulting from the enactment of HB 2190 would be absorbed within existing resources. The Department of Corrections indicates enactment of the bill would have no fiscal effect. Any fiscal effect associated with HB 2190 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities both indicate HB 2190 would not have a fiscal effect.

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: Sandy Tompkins, Office of the Secretary of State
Wendi Stark, League of Kansas Municipalities
John Milburn, Office of the Attorney General
Jay Hall, Kansas Association of Counties
Scott Schultz, Sentencing Commission
Randy Bowman, Department of Corrections