

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 2086 by House Committee on Elections

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2086 is respectfully submitted to your committee.

HB 2086 would designate the Kansas Secretary of State as the Chief Election Officer to conduct statewide elections and assist and advise county election officers in conducting elections in compliance with federal and state laws and rules and regulations. A county elections officer would be the sole public officer responsible for planning, conducting, and coordinating elections within their county and making sure the elections comply with federal and state laws and rules and regulations. HB 2086 would also expand the definition of the crime of electronic poll book fraud to include accessing electronic voting system equipment without authorization and knowingly publishing confidential information relating to electronic voting system equipment. HB 2086 would also make technical revisions to the Kansas Election Code and require notice of elections be published on the county website.

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, public, political parties, candidates, and the public to ensure knowledge of the updated requirements in the bill. The agency states the bill includes updates to programs and procedures that are already in place.

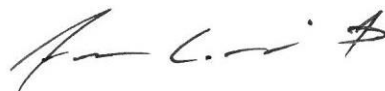
The Kansas Sentencing Commission estimates that enactment of HB 2086 could have an effect on prison admissions, bed space, and workload of the Commission; however, any fiscal effect would be negligible. The Department of Corrections indicates that enactment of the bill would have no fiscal effect.

The Kansas Judicial Branch indicates HB 2086 could increase the number of cases filed in the district courts because it expands the definition of election-related fraud. These provisions of the bill would increase time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since crimes committed under the bill would carry a severity level 9, nonperson felony penalty there could be additional supervision of offenders. The enactment of the bill could increase the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund. The agency indicates that it is unable to estimate a fiscal effect.

The Department of Administration indicates HB 2086 would not have a fiscal effect. Any fiscal effect associated with HB 2086 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates HB 2086 could have a fiscal effect on counties that do not regularly update their websites; however, the Association is unable to estimate the fiscal effect.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Sandy Tompkins, Office of the Secretary of State
Tamara Emery, Department of Administration
Jay Hall, Kansas Association of Counties
Vicki Jacobsen, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Department of Corrections