



Special Committee on Elections

Michael Koss – League of Kansas Municipalities

October 15, 2012

House Bill 2780

Thank you for allowing the League to comment on House Bill 2780. We support the effort to provide voters with clear ballot language so that there is less confusion when they exercise their democratic rights. However, we question the extent of additional bureaucracy that's being offered to provide explainer language.

No law prohibits municipalities from adopting ballot explainer ordinances, so it is the League's recommendation that if any ballot explainer laws are passed, they should be passed at the local level.

If it's the will of the Legislature to involve itself in local ballot issues, then it's our opinion that city attorney's are fully capable of providing the explainer language necessary to eliminate any confusion arising from ballot questions. Involving a state agency or officer to oversee an exclusively local function is unnecessary. Imposing a good faith requirement on city attorney's who draft the explainer language is a more efficient mechanism to ensure unbiased local ballot language.

If a bureaucratic process is going to be established, it's critical that after the district or county attorney drafts the explainer language, the entity submitting the ballot question have the opportunity to review that language. For this reason, we feel a more appropriate process would be for a municipality, rather than the Attorney General or Secretary of State, to approve the city, county, or district attorney prepared explainer language. By keeping the review local rather than involving a state agency, the process is more likely to yield the clear intent of the ballot question since the reviewer will have a more intimate understanding of the issue. Additionally, involving the Attorney General or Secretary of State would create an administrative system that would likely cause timing problems. Those agencies would have no legal obligation to approve the language in time for the ballot measure election, creating the potential for ballot questions to be postponed because of state-level red tape. This in turn would force special elections to consider the ballot question, costing taxpayer money. If a bureaucracy is formed to guarantee ballot language neutrality, sanctions need to be imposed on any state-level agencies that don't carry out their review in a timely manner.

Another issue that may arise is where a county presents its own ballot question. This situation presents a conflict of interest that needs consideration.

Thank you again for inviting the League to discuss this important issue.

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Attachment 4