

February 11, 2014

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2492 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2492 is respectfully submitted to your committee.

HB 2492 would amend statutes governing the recall of certain elected public officials to include judges and justices. In cases of recall of state officers, current law stipulates that the number of signatures of registered electors on an initial application petition must be at least 10.0 percent of the votes cast for all candidates for the office of the state officer sought to be recalled. HB 2492 would reduce the number of signatures to 10.0 percent of the votes cast for the specific candidate sought to be recalled. In cases of recall of a county or district attorney, the bill would remove the requirement that a judge of the district court in the same county must designate an attorney to determine the sufficiency of the grounds stated in the recall petition, and place this duty with the Office of the Secretary of State.

The Office of the Secretary of State believes recalls allowed by HB 2492 would be rare, but in those cases the state would incur additional administrative costs which could be absorbed within existing resources. However, a recall election for a statewide judicial officer held outside a regularly scheduled primary or general election would increase costs for local governments by \$1.2 million statewide. If a statewide recall election is held in conjunction with a regularly scheduled general election in November of even-numbered years, the Secretary of State estimates local governments would incur additional costs of approximately \$75,000 statewide. For a statewide recall election held in conjunction with a regularly scheduled primary election held in August of even-numbered years, local governments would incur new costs of approximately \$120,000 statewide. The Secretary of State indicates the estimate includes costs associated with reviewing signatures, recall application petitions, recall petitions, and conducting the resulting recall election. The Office indicates that it is unable to determine the fiscal effect on local governments for the recall of a district court judge or magistrate judge.

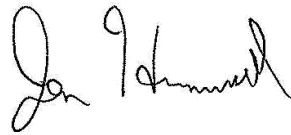
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The Office of Judicial Administration indicates that HB 2492 would have a negligible fiscal effect on the duties of judges, but until the courts have had an opportunity to operate with the provisions in place, an accurate estimate of the expenditures of the Judicial Branch cannot be given. Any fiscal effect associated with HB 2492 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Desiree Taliaferro, Secretary of State's Office